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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

* * * * *
COMMONWEALTH OF MASSACHUSETTS
vs. Indictment No.
KAREN READ 2282CR00117
* * * * *

Day 7 - Trial with Jury
Before the Honorable Beverly Cannone

APPEARANCES:

For The Commonwealth:
BY: Adam Lally
Laura McLaughlin
Assistants District Attorney

For Karen Read:
BY: Alan Jackson
David Yannetti
Elizabeth Little
Attorneys at Law

Norfolk Superior Courthouse
Dedham, Massachusetts
Monday, April 29, 2024

Paula M. Mills
Retired Certified Court Reporter
and Court Transcriptionist

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P R O C E E D I N G SApril 29, 2024

(Court in session at 9:57 a.m.)

(Defendant present. Jury not present.)

THE CLERK: 22-117, the Commonwealth versus
Karen Read. Would counsel identify --

THE COURT: Could I please see counsel at
sidebar?

(Whereupon, there was a sidebar conference as
follows:)

Court Order: Jurors or Juror Issues

Court Order: Jurors or Juror Issues

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Court Order: Jurors or Juror Issues

THE COURT: All right. Is there anything we need to talk about before we get started?

THE CLERK: No, Your Honor.

MR. LALLY: Just -- it doesn't have to be now, but I just wanted to address the issue of exhibits before we start with any witnesses. That's all.

THE COURT: What issue with exhibits?

MR. LALLY: So I don't think anything has been, despite our best efforts, I don't think anything has been premarked yet. I think there is a list as far as an agreement as far as different exhibits and what they'd be numbered. I just am looking for some guidance from the Court as to how you want to refer to them.

THE COURT: Well, I believe that Ms. King would tell you that she will be here at 8:30 every morning and one lawyer from each side has to be here if you want anything marked from 8:30 to 8:50

1 and that's it.

2 MR. LALLY: Okay

3 THE COURT: All right? Is there anything
4 more? Do you want to come over here?

5 THE COURT REPORTER: I explained it to both
6 sides this morning. Ms. McLaughlin was present for
7 the prosecution and everyone was in agreement.

8 MR. LALLY: No. I'm still in agreement with
9 that. I'm more just seeking your guidance as far
10 as what do you want me to call something without --

11 THE COURT: Are you using exhibits today?

12 MR. LALLY: Yes. There's not very many of
13 them but yes.

14 THE COURT: Mark them one at a time as we go?

15 THE COURT REPORTER: Sure. I'm ready to go.

16 THE COURT: Okay. Let's do that. If they are
17 agreed upon, you can just bring them up and they
18 will be marked as you go to introduce them.

19 MR. LALLY: Okay.

20 THE COURT: Okay. Anything else?

21 MR. LALLY: No. No, Your Honor.

22 THE COURT: All right. So it will take a few
23 minutes to get the jurors over here. So let's take
24 five minutes.

25 MR. LALLY: Okay.

1 MR. JACKSON: Sure.

2 THE COURT: Are they ready to come over?

3 THE COURT OFFICER: Not yet.

4 THE COURT: Okay.

5 (Whereupon, there was a brief recess taken.)

6 (Court resumes at 10:11 a.m.)

7 (Defendant present. Jury present.)

8 THE CLERK: I'm sorry, jurors. Could you
9 stand one more time and raise your right hands?

10 (Whereupon, the jury is duly sworn.)

11 THE CLERK: You can have a seat.

12 Jurors, harken to these indictments:

13 2282CR117-001, Karen Read, of Mansfield, in the
14 County of Bristol, on or about January 29th, 2022,
15 at Canton, in the County of Norfolk, did assault
16 and beat John O'Keefe with intent to murder such
17 person and, by such assault and battery, did kill
18 and murder the said John O'Keefe and is guilty of
19 murder in the second degree and not in the first
20 degree, in violation of General Law, Chapter 265,
21 Section 1.

22 002. Karen Read, of Mansfield, County of
23 Bristol, on or about January 29, 2022, at Canton,
24 in the County of Norfolk, did operate a motor
25 vehicle upon a way as defined in Massachusetts

1 General Law, Chapter 90, Section 1, or a place in
2 which the public has a right of access or upon the
3 way or in a place to which members of the public
4 has access as invitees or licensees, with a
5 percentage by weight of alcohol in her blood of
6 eight-one hundredths or greater or while under the
7 influence of intoxicating liquor and did so operate
8 said motor vehicle so that the lives and safety of
9 the public might be endangered and, by such wanton
10 and reckless conduct so described, did cause the
11 death of another person, to wit: John O'Keefe, in
12 violation of General Law, Chapter 265, Section 13
13 1/2.

14 003. Karen Read, of Mansfield, in the County
15 of Bristol, on or about January 29th, 2022, at
16 Canton, in the County of Norfolk, did operate a
17 motor vehicle upon a way or in a place to which the
18 public has a right of access or upon a way or in a
19 place to which members of the public have access as
20 invitees or licensees and without stopping and
21 making known her name, residence and registration
22 number of a motor vehicle, did go away to avoid
23 prosecution or evade apprehension after knowingly
24 colliding with or otherwise causing injury to
25 John O'Keefe, such injuries having resulted in the

1 death of said person, in violation of General Law,
2 Chapter 90, Section 24, (2) (a 1/2) (2).

3 To these indictments, the defendant has pled
4 that she is not guilty and for trial has put
5 herself upon the country, which country you are,
6 and you are sworn to try the issue. If she is
7 guilty, you are to say so. If she is not guilty,
8 you are to say so and no more. Jurors, harken to
9 the evidence.

10 THE COURT: Thank you very much.

11 Counsel, identify yourselves, please.

12 MR. LALLY: Adam Lally, for the Commonwealth.
13 Good morning, Your Honor.

14 THE COURT: Good morning, Mr. Lally.

15 MS. MC LAUGHLIN: Good morning, Your Honor.
16 Laura McLaughlin, for the Commonwealth.

17 THE COURT: Good morning, Ms. McLaughlin.

18 MR. JACKSON: Good morning, Your Honor. Alan
19 Jackson, on behalf of Ms. Read.

20 THE COURT: Good morning, Mr. Jackson.

21 MS. LITTLE: Good morning, Your Honor.
22 Elizabeth Little, also on behalf of Ms. Read.

23 THE COURT: Good morning, Ms. Little.

24 MR. YANNETTI: Good morning, Your Honor, and
25 ladies and gentlemen of the jury. My name is David

1 Yannetti, and I represent Karen Read.

2 THE COURT: Good morning, Mr. Yannetti. Good
3 morning, Ms. Read.

4 All right. Good morning, jurors. Before we
5 begin, I have to ask you three questions that I'm
6 going to ask you every single time we meet. The
7 first question is were you all able to follow my
8 instructions and refrain from discussing this case
9 with anyone?

10 Everyone said "yes" or nodded affirmatively.

11 Were you also able to follow the instructions
12 and refrain from doing any independent research or
13 investigation into this case?

14 Everyone said "yes" or nodded affirmatively.

15 Did anyone happen to see, hear or read
16 anything about this case since we were last in
17 court?

18 Everyone said "no" or shook their heads.

19 Thank you.

20 All right. Jurors, I'm about to make some
21 preliminary remarks to you to acquaint you with
22 some of the legal principles, procedure and
23 terminology that you'll hear about during the
24 course of the trial. But these comments are not
25 intended to be a substitute for the detailed

1 instructions on the law which I will give you at
2 the conclusion of the case.

3 This is the trial of a criminal case, as
4 you've heard, and you've heard that the defendant
5 is charged with second degree murder. She is also
6 charged with manslaughter while operating under the
7 influence and leaving the scene after causing
8 personal injury or death. I will describe in
9 detail at the end of the case each of these
10 indictments when I teach you the law.

11 But, briefly, murder is the unlawful killing
12 of a human being. In order to prove the defendant
13 guilty of second degree murder, the Commonwealth
14 must prove beyond a reasonable doubt that the
15 defendant committed an unlawful killing and that it
16 was done with malice.

17 In comparison, manslaughter while operating
18 under the influence is an unintentional, unlawful
19 killing caused by wanton or reckless conduct while
20 under the influence of intoxicating liquor.

21 Again, these terms and elements of the crimes
22 including the additional crime of leaving the scene
23 of an accident after causing personal injury or
24 death will be described for you in detail at the
25 end of the case.

1 Please remember that the defendant starts this
2 trial presumed to be innocent. The fact that she
3 was arrested or that she was indicted is not proof
4 of anything. An indictment is just a piece of
5 paper. It just makes an accusation. So it's
6 merely a formal manner of accusing a person of a
7 crime to bring her to trial in the superior court.
8 But it is only the jury, in other words, you folks,
9 who can decide whether the prosecution has proved
10 its case beyond a reasonable doubt.

11 If the Commonwealth does not do that, then the
12 presumption of innocence, alone, requires you to
13 find the defendant not guilty. The law does not
14 require a defendant to prove her innocence, to
15 produce any evidence whatsoever or to do anything
16 other than attend the trial. This presumption of
17 innocence remains with the defendant until you, the
18 jury, make your determination after listening and
19 considering all the evidence.

20 What is proof beyond a reasonable doubt? The
21 term is often used and probably pretty well
22 understood, though it is not easily defined. Proof
23 beyond a reasonable doubt does not mean proof
24 beyond all possible doubt for everything in the
25 lives of human beings is open to some possible or

1 imaginary doubt.

2 A charge is proved beyond a reasonable doubt
3 if after you have compared and considered all of
4 the evidence you have in your minds an abiding
5 conviction to a moral certainty that the charge is
6 true.

7 When we refer to moral certainty, we mean the
8 highest degree of certainty possible in matters
9 relating to human affairs based solely on the
10 evidence that has been put before you in this case.

11 I have told you that every person is presumed
12 to be innocent until he or she is proved guilty and
13 that the burden of proof is on the prosecutor. If
14 you evaluate all the evidence and you still have a
15 reasonable doubt remaining, the defendant is
16 entitled to the benefit of that doubt and must be
17 acquitted.

18 It is not enough for the Commonwealth to
19 establish a probability, even a strong probability,
20 that the defendant is more likely to be guilty than
21 not guilty. That is not enough. That is not
22 enough. Instead, the evidence must convince you of
23 the defendant's guilt to a reasonable and moral
24 certainty, a certainty that convinces your
25 understanding and satisfies your reason and

1 judgment as jurors who are sworn to act
2 conscientiously on the evidence. That is what we
3 mean by proof beyond a reasonable doubt.

4 Now, our system of justice depends on judges
5 like me and jurors like you being able and willing
6 to make careful and fair decisions. All people
7 deserve fair and equal treatment in our system of
8 justice regardless of their race, national origin,
9 age, ability, gender, sexual orientation,
10 education, income level or any other personal
11 character.

12 You have agreed to be fair, and I'm sure you
13 want to be fair, but that is not always easy. One
14 difficulty comes from our own built-in expectations
15 and assumptions. They exist even if we are not
16 aware of them and even if we believe we do not have
17 them.

18 Some of you may have heard this called
19 implicit bias, and that is what I'm talking about.
20 Of course, we judges have the same problem as
21 everyone else. So let me share a few strategies
22 that we have found useful.

23 First. Slow down. Do not rush to a decision.
24 Hasty decisions are more likely to reflect
25 stereotypes or hidden biases.

1 Second. Keep an open mind. Avoid drawing
2 conclusions until the end of the case when you and
3 your fellow jurors deliberate. Remember that when
4 you deliberate, you will have all the evidence and
5 all of the time you need to make a careful
6 decision. So there truly is no need to start
7 making up your mind beforehand.

8 Third. You should listen closely to all the
9 witnesses. That is the best way to ensure that you
10 decide this case based on the evidence and the law
11 instead of upon unsupported assumptions.

12 Fourth. As you listen to the testimony about
13 the people involved in this case, consider them as
14 individuals rather than as members of a particular
15 group.

16 Finally, I might ask myself would I view the
17 evidence differently if the people were from
18 different groups such as different racial, ethnic
19 or gender identity groups?

20 At the end of the case, I will remind you of
21 these strategies and ask you to focus on the
22 evidence instead of any unsupported assumptions you
23 may have. All we ask is that you individually and
24 as a group do your best to resolve this case based
25 upon the evidence and the law without sympathy,

1 bias or prejudice to the best of your ability as
2 human beings.

3 Now, when I finish with these initial
4 instructions, Mr. Lally will make his opening
5 statement. Mr. Yannetti can choose to make an
6 opening statement or not because the defendant has
7 no burden of proof and doesn't have to prove
8 anything. Her lawyer doesn't even need to make an
9 opening statement.

10 An opening statement is a summary of what the
11 lawyer expects the evidence at trial will be. It
12 is intended to introduce the main issues in the
13 case.

14 Next, the prosecution will introduce evidence
15 in support of the charges in the indictments.
16 After that, the defendant may present evidence on
17 her behalf if she wishes to do so. But, again, she
18 is not obligated to do so. Remember, the burden of
19 proof is always on the Commonwealth to prove the
20 defendant is guilty. The law does not require any
21 defendant to prove her innocence or to produce any
22 evidence at all.

23 After all the evidence, each side will have an
24 opportunity to offer you closing arguments about
25 what conclusions you might draw from the evidence.

1 Like the opening statements, the closing arguments
2 are not evidence. They are merely intended to help
3 you understand the respective contentions of the
4 parties.

5 Finally, after all the evidence and the
6 lawyers' arguments, I will instruct you in detail
7 on the principles of law which you are going to
8 apply in your deliberations when you retire to
9 consider your verdict.

10 Your verdict must be unanimous. You see that
11 we have many of you. We have 17 of you, and only
12 12 will ultimately decide this case, and that's
13 done at the end of the case. We impanel so many
14 jurors in a case, it's going to take a long time in
15 case something comes up and a juror cannot complete
16 his or her service.

17 Let me talk briefly about our respective roles
18 in this case. As the judge, my responsibility is
19 to see to it that this case is tried in an orderly,
20 fair and efficient manner. It's also my function
21 to decide any questions of law that come up during
22 the trial and to instruct you about the law that
23 applies to this case. It is your duty to accept
24 the law as I state it to you whether you agree with
25 it or not.

1 The jury's function: You folks are the most
2 important people in this courtroom. You determine
3 the facts of this case. You are the sole and
4 exclusive judges of the facts. You, alone,
5 determine what evidence to believe, how important
6 any evidence is that you do believe and what
7 conclusions all the believable evidence leads you
8 to.

9 You will have to consider and weigh the
10 testimony of all the witnesses who appear before
11 you, and you, alone, will determine whether to
12 believe any witness and the extent to which you
13 believe any witness. You can believe all of what a
14 witness says, some of it or none of it. It is
15 entirely up to you.

16 It is part of your responsibility to resolve
17 any conflicts in the testimony that may arise
18 during the course of the trial and to determine
19 where the truth lies. Ultimately, you must
20 determine whether or not the Commonwealth has
21 proved the charges beyond a reasonable doubt.

22 The lawyers have their own important role in
23 this trial. They are, of course, advocates. Their
24 job is to bring to your attention the evidence and
25 arguments that best support their position. They

1 may also object to evidence offered by the other
2 side that may not be admissible under our rules of
3 evidence. Similarly, we may engage in sidebar
4 conferences over here out of your hearing. They
5 are not intended to keep secrets from you but to
6 allow the lawyers a little more time to argue their
7 points so that I can rule on what you may consider
8 as evidence.

9 If I agree with an objection to a question
10 during trial, I will use the term "sustained." You
11 are then to disregard that question and you're not
12 to speculate as to what the answer might have been.
13 In the same way, you are to disregard any evidence
14 that I tell you is stricken from the record.

15 If I reject or overrule an objection, I will
16 allow the witness to answer the question, and you
17 may consider that answer. But you're not to give
18 that answer any more weight than you would have had
19 no objection been made. Please do not hold it
20 against the lawyers if they make an objection.
21 That's part of the lawyer's job. The lawyers have
22 to let me know when there is a potential issue
23 about the admissibility of certain evidence of law
24 under our laws.

25 You must decide this case solely on the

1 evidence presented in the courtroom, and this will
2 included the sworn testimony of witnesses and may
3 also include exhibits that are admitted into
4 evidence, any facts which I tell you may have been
5 agreed upon by both sides and any facts which I
6 indicate to you that you may take as a matter of
7 common knowledge.

8 A question to witnesses, no matter how
9 artfully phrased, are not evidence. Only the
10 answers that you receive from the witnesses who are
11 testifying under oath are evidence.

12 If one of the lawyers or I refer to some part
13 of the evidence that does not coincide with your
14 own recollection, it is your collective
15 recollection which you are to follow in your
16 deliberations.

17 In this case, I'll allow you folks to take
18 notes. Any jurors who wish to take notes during
19 the course of the trial except during opening
20 statements and closing arguments because, again,
21 those aren't evidence, we will hand out notebooks
22 after the openings this morning so that you can
23 take notes. They will be provided to you daily.
24 Your notebooks will be collected every day. They
25 will be kept locked up and confidential, and they

1 are destroyed at the end of the trial.

2 You're not required to take notes. The choice
3 is completely up to you. Some jurors may feel that
4 notes are helpful, particularly if the case
5 involves many witnesses or complicated issues.
6 Notes can also help you to remember specific
7 testimony or evidence such as times, places, dates,
8 names, relationship, events, distances, things of
9 that nature. Other jurors may feel that note
10 taking is a distraction and may interfere with
11 hearing and evaluating the evidence.

12 If you do take notes, I suggest you keep them
13 brief. They are not and cannot be considered
14 official transcripts of the trial testimony.
15 However, bear in mind that although the court
16 reporter is recording everything that transpires
17 here, we do not have the capability of providing
18 you with a transcript of the testimony at the
19 conclusion or anytime during the trial. So you
20 will have to rely on your own memories of the
21 testimony perhaps supplemented by your notes.

22 Regardless of whether or not you take notes,
23 remember that how a witness testifies may be just
24 as important as what he or she says. Therefore,
25 your observations of the witness's appearance and

1 demeanor on the witness stand may play an important
2 part in your assessment of his or her credibility.
3 So please do not let your note taking distract you
4 from an appreciation of all of the evidence.

5 Now, I'm going to address the issue of public
6 interest in this case again and the duty of this
7 Court and this jury to adhere to the rule of law
8 because it is so very important.

9 Remember, John Adams said that we are a
10 government of laws, not of men, and that the law
11 must be deaf to the clamoring of the public. He
12 meant that while public opinion about a given
13 subject may ebb and flow, the law must be steady,
14 reliable and evenhanded.

15 We know that on the subject of this case,
16 there are people advocating for one outcome or
17 another with intensity but without the benefit of
18 having heard or seen any evidence at all. The law
19 works in a different way, and the difference is
20 crucial to our system of justice.

21 This jury will decide. This jury selected for
22 this trial will hear and judge the evidence. You
23 will decide what the facts are, and where the
24 evidence is contested, you will determine where the
25 truth lies. Ultimately, this jury, you folks, will

1 decide whether the Commonwealth has carried its
2 burden of proving that the defendant is guilty of
3 any crime beyond a reasonable doubt.

4 People outside of this building have rights
5 and we know that they have voices, but this trial
6 will be decided by you, an independent jury, free
7 from outside interference based only upon the
8 evidence presented in this courtroom and the law.
9 This is the only way to ensure that every person
10 who comes before the Court receives a fair trial.
11 It is just that simple and that important.

12 So while public comment will likely continue,
13 you must ignore it so that in this courtroom, the
14 rule of law will be upheld. This means that during
15 the trial, until you retire to deliberate, you must
16 not discuss this case with anyone. This includes
17 family and friends and even your fellow jurors, nor
18 should you allow anyone to communicate with you
19 about any aspect of this case. You must not
20 conduct any independent research about this case,
21 the matters in this case, the individuals involved
22 in this case. In other words, you must not consult
23 the Internet, including social media, and do
24 anything else to find out any information from any
25 source outside the confines of this courtroom.

1 As best as you recognize them, please have no
2 contact with any of the participants in this trial
3 or anyone associated with either side, including
4 the lawyers. Please do not visit any locations
5 that may be mentioned during the trial. We will go
6 on a view, and I will discuss that with you before
7 we go.

8 Remember, you were instructed that you must
9 not, and you assured us that you would not, read,
10 watch or listen to any account of any aspect of
11 this case in any news media or from any other
12 source. It is critical that you follow that
13 instruction, as hard as it's going to be. Finally,
14 please continue to keep an open mind.

15 Now, I know that you will try this case
16 according to the oath that you have taken as
17 jurors. When you took that oath, you promised that
18 you would well and truly try the issues between the
19 Commonwealth and the defendant according to the
20 evidence and the law.

21 If you follow that oath, approach this case
22 with an open mind and make your decisions fairly
23 and without prejudice, bias or sympathy for anyone,
24 then you will arrive at a true and just verdict,
25 and that's what we ask of you.

1 So with that, it's time for opening
2 statements. Whenever you are ready, Mr. Lally. I
3 ask only that you keep your voice up, please.

4 MR. LALLY: I will do my best, Your Honor.

5 OPENING STATEMENT ON BEHALF OF THE COMMONWEALTH

6 MR. LALLY: Good morning. So as Her Honor was
7 telling you, this is one of the two opportunities
8 that I will get to address you. First of which,
9 right now, essentially what I'm going to attempt to
10 do -- and I know you heard over the course of the
11 impanelment process, a number of different
12 witnesses that were listed out as far as potential
13 witnesses in this case. So what my intent here is,
14 is to provide as much of a roadmap as I can through
15 the waters and help you to navigate sort of who
16 these people are and what relation they have to
17 this case.

18 Let me start with John O'Keefe. John O'Keefe
19 grew up in Braintree. He was 46 years old when he
20 passed. He was the son of John O'Keefe, Jr. and
21 Margaret, or Peggy, O'Keefe. He was a brother to
22 Paul O'Keefe and to his sister, Kristen Furbush.
23 Kristen was married. So John's brother-in-law was
24 a man named Stephen Furbush. And they had two
25 children who were very young in 2013.

1 Now, in 2013, Kristen, unfortunately,
2 tragically, passed away, succumbing to cancer in
3 November of 2013. Within months of that,
4 Mr. O'Keefe's brother-in-law, Kristen's husband
5 Stephen, passed away, as well.

6 Now, initially, when John O'Keefe's sister
7 passed away, sort of the initial plan for that
8 situation was that John O'Keefe was going to move
9 in with Stephen Furbush and the kids and assist as
10 far as raising those kids.

11 And then, when Stephen passed away a few
12 months after his wife, before those plans could be
13 finalized, John O'Keefe then moved in with his
14 niece and nephew and assumed a parental role and
15 assumed legal guardianship with respect to both of
16 those children.

17 Now, he was assisted in this by a great number
18 of people within the town of Canton where the
19 Furbushes lived and where John moved into the home
20 with the two children there. There were other
21 parents within the neighborhood, other parents
22 within the children's age group. You'll hear from
23 a number of them over the course of this trial.
24 But they include a Mrs. Kerry Roberts and Mrs.
25 Jennifer McCabe. They helped Mr. O'Keefe out

1 during those initial stages and during the time
2 that he assumed this role.

3 He also got help from his work. John O'Keefe
4 was a proud member of the Boston Police Department
5 and had been for many years. He had been a
6 patrolman prior to moving in with the children and
7 assuming this sort of role. The Boston Police
8 Department helped him greatly as far as
9 transitioning him to more of a desk role, working
10 in the sex offender unit with more regular hours to
11 sort of assimilate himself to his new life in this
12 new role that he had assumed with these children.

13 Initially, John O'Keefe lived in the house
14 with the kids. However, in 2018, they moved into a
15 new home, sort of new home that they could have as
16 their own. That home was located also within the
17 town of Canton, sort of on the Stoughton side of
18 Canton at One Meadows Avenue.

19 John O'Keefe raised these children, assuming
20 guardianship for them for about eight years. His
21 niece, who was the elder of the two, was about 14
22 at the time that John O'Keefe died. His nephew was
23 about 11 years old when John O'Keefe died.

24 January 28th, 2022 was a relatively typical
25 day. It was a Friday, going into Saturday, January

1 29th. Sort of typical in a sense of most sort of
2 suburban parents, there were a lot of activities,
3 weekend sports, practice games, things of that
4 nature that the O'Keefe and Furbush family had to
5 look forward to.

6 One little difference when it came to that
7 particular day of January 28th, into the 29th is
8 the weather. So there had been predicted and there
9 was going to be a snowstorm and significant. A
10 blizzard, essentially, was coming in overnight that
11 Friday into Saturday, lasting through most of the
12 day on Saturday, the 29th. And, as a result of
13 that, most of those sort of typical, you know,
14 weekend routine activities that would keep most
15 people busy, including those within the town of
16 Canton, had been cancelled. Everybody knew what
17 was coming. Everybody knew essentially you weren't
18 going to leave your house all that much the
19 following day.

20 Now, also on January 28th, Mr. O'Keefe had
21 received some news in respect to his niece. So his
22 niece and her best friend were in eighth grade at
23 the time, going into high school in the fall of
24 2022. They had both applied to a private school
25 called Bishop Feehan, and they had both found out

1 on the 28th that they had been accepted to that
2 school.

3 So the friend, as well as her father, a
4 gentleman by the name of Michael Camerano, who both
5 he and his wife, Katherine Camerano, were friendly
6 with John O'Keefe. They had children around the
7 same ages as both John's niece and his nephew, and
8 they had come over to their house on Meadows Ave.
9 that evening to celebrate the girls getting into
10 that school.

11 The nephew of John, the 11-year-old, was
12 sleeping over a friend's house that night. He left
13 that home sometime around 7:00 p.m. or so, got
14 picked up and went to sleep over his friend's
15 house.

16 John O'Keefe and Michael Camerano then decided
17 to travel out to a local establishment on
18 Washington Street called C.F. McCarthy's. It's a
19 bar and restaurant. You're going to hear testimony
20 and your going to see surveillance video and you're
21 going to see receipts and all kinds of things from
22 a variety of different establishments, all sort of
23 located within Canton Center, along that strip on
24 Washington Street.

25 Now, they get -- Mr. O'Keefe and Mr. Camerano

1 leave the girls at home. They then go to C.F.
2 McCarthy's, arriving there sometime between 7:30
3 and 8:00 p.m. They eventually cajoled another
4 friend of theirs, a Mr. Curt Roberts, to come out
5 to the bar and join them, as well. And there are
6 some other people that are located within the bar,
7 including a Mr. James Sullivan, who we hear from
8 who was present at the bar that night, as well.
9 Eventually, the defendant, Karen Read, joins them
10 at this establish of C.F. McCarthy's sometime just
11 before 9:00 p.m.

12 Now, John O'Keefe and Karen Read had met
13 sometime in 2004. They had dated briefly during
14 that time and reconnected sometime around March of
15 2020, around the COVID-19 sort of pandemic
16 shutdown. They had started dating around that time
17 period or reconnected during that time period, and
18 the defendant had stayed at the house in Canton
19 several nights a week. She had helped out with the
20 children.

21 In the month or so leading up to Mr. O'Keefe's
22 death, the relationship soured. You will see text
23 messages between Mr. O'Keefe and Ms. Read to that
24 effect. You will hear testimony from the children,
25 from John's niece and nephew, in regard to things

1 they observed within that relationship; and you'll
2 hear testimony from some other individuals as far
3 as their observations or things that they heard.

4 Turning to January 29th, 2022, just after 6:00
5 a.m., the Canton Police Department received a 911
6 call from a woman reporting a male party
7 subsequently identified as John O'Keefe found in
8 the snow outside a residence at 34 Fairview Road.

9 At the time, as I had mentioned, the blizzard
10 that had been predicted was occurring. Heavy snow,
11 temperatures in the teens, wind bustling around.

12 Officer Steven Saraf and Officer Stephen
13 Mullaney of the Canton Police were dispatched along
14 with Canton Fire and EMS. And you'll hear from
15 them in regard to their response and what they
16 observed on scene.

17 In particular, with Officer Saraf, you'll have
18 as an exhibit I anticipate a cruiser camera video
19 from his cruiser, detailing or memorializing sort
20 of his response in the darkness in the blizzard-
21 type conditions as he's driving from the Canton
22 Police Station, where he was located when he
23 received the call to 34 Fairview Road.

24 When they arrived there, they observed three
25 individuals, three females, sort off to the left

1 side of the property. And, when I say "the left
2 side of the property," I mean if you're standing
3 out in the street, facing 34 Fairview Road, off to
4 the left side of the property, there is a flagpole.
5 There is a fire hydrant. There's some bushes.
6 That is where Mr. O'Keefe was located. Off to the
7 right side of the property is sort of the driveway,
8 the mailbox and other things that you'll become
9 familiar with through photographic evidence and
10 other means through the course of this trial.

11 The three females that the officers observed
12 there were then identified as the defendant,
13 Karen Read; Mrs. Jennifer McCabe, who had received
14 a phone call earlier in the morning from the
15 defendant; as well as Mrs. Kerry Roberts, who had
16 also received a phone call earlier that morning
17 from the defendant.

18 Several firefighters from the Canton Fire
19 Department you'll hear from in regard to their
20 observations of injuries, abrasions and lacerations
21 to the right arm of Mr. O'Keefe. You'll hear their
22 testimony in regard to swelling of his eyes and
23 other injuries that he observed. They observed
24 redness from the cold that he had been lying out in
25 for some time.

1 You'll hear the testimony from the
2 firefighters, Timothy Nuttall, Anthony Flematti,
3 Matthew Kelly, Francis Walsh, Katie McLaughlin and
4 Greg Woodbury. And at least from three of those
5 firefighters, you're going to hear testimony, I
6 anticipate, detailing statements that the defendant
7 made to them when they had asked about the
8 origination of some of those injuries. And the
9 defendant stated repeatedly, "I hit him. I hit
10 him. I hit him."

11 Mr. O'Keefe was then taken from the front lawn
12 onto what they call a scoop stretcher. As he is
13 doing that, I anticipate you'll hear Ms. Roberts'
14 testimony that despite the six inches of snow
15 approximately that was on top of Mr. O'Keefe's body
16 and the snow throughout the roadway, the front
17 yard, everywhere around where he was, there was
18 grass underneath Mr. O'Keefe where his cell phone
19 was located underneath his body as he lay on that
20 front lawn.

21 He was then transported by Firefighters Kelly,
22 Flematti and Nuttall, as well as the ambulance
23 being driven by Firefighter McLaughlin to the Good
24 Samaritan Medical Center.

25 Once there, there were some observations, and

1 you'll hear testimony from Dr. Justin Rice from
2 that facility as far as observations consistent
3 with what I anticipate you'll hear from those
4 firefighters. But then there is a certain warming
5 procedure that they go through, trying to bring his
6 body temperature up because when Mr. O'Keefe
7 arrives at the Good Samaritan Medical Center, his
8 body temperature is 80.

9 And, after those resuscitative efforts prove
10 unsuccessful, Mr. O'Keefe is eventually pronounced
11 by Dr. Rice at approximately 7:50 in the morning.

12 Shortly after that when the defendant is then
13 being driven away from the scene by Ms. Roberts,
14 who is now going to go pick up Mr. and Mrs.
15 O'Keefe, John O'Keefe's parents, in Braintree and
16 then bring them to the Good Samaritan Medical
17 Center in Brockton, the defendant makes some
18 statements of self-harm. As a result of that, she
19 is then transported to the Good Samaritan Medical
20 Center, as well, by two firefighters named
21 Daniel Whitley and Jason Becker. And amongst the
22 statements that they gained from the defendant as
23 they are having a conversation with her in regard
24 to that, in regard to her treatment and diagnosis,
25 she indicate that the last time that she saw

1 Mr. O'Keefe, they had gotten into an argument
2 before he had gotten out of the car in front of
3 Fairview Road.

4 Now, you'll also hear testimony from some of
5 the other first responding officers from the Canton
6 Police Department, including Lieutenant Paul
7 Gallagher, Sergeant Sean Goode and Sergeant Michael
8 Lank in regard to their initial response, their
9 observations, the people that they spoke to, where
10 they went, and their ability to recover within
11 these blizzard conditions that are still ongoing
12 certain pieces of evidence that they located in and
13 around the area where Mr. O'Keefe's body was found.

14 You'll also hear from Lieutenant Charles Ray
15 of the Canton Police Department, who was tasked
16 with -- at this point in time, the Canton Police
17 were unaware that the nephew was over at a
18 sleepover. They weren't aware that Mr. Camerano
19 had come over to the residence on Meadows Ave. and
20 picked up the niece, bringing her back to his
21 house, as she was left unattended when the
22 defendant left to go looking for Mr. O'Keefe.

23 So unaware of that, they go do a well-being
24 check at approximately 8:22 in the morning, and
25 they also have cruiser camera video attached to

1 their cruiser. And you'll see that video. And,
2 when they pull into the driveway at Meadows Ave.,
3 at approximately 8:22 in the morning, they pull in
4 directly behind where eventually you'll hear
5 Ms. McCabe left the defendant's vehicle, after
6 driving it from her house to Meadows Ave. in search
7 of Mr. O'Keefe. You'll have that footage, and
8 you'll be able to see the back of the defendant's
9 vehicle, specifically the right rear taillight of
10 that vehicle.

11 Now, you'll also hear testimony, as I
12 mentioned, from the Cameranos, from Mr. Roberts,
13 Mr. Sullivan. You'll also -- they were all present
14 with the defendant and Mr. O'Keefe at C.F.
15 McCarthy's. You'll hear testimony from a number of
16 other individuals who were at the Waterfall. The
17 Waterfall is a bar located across the street
18 essentially from C.F. McCarthy's on Washington
19 Street and Canton Center and somewhere that
20 Mr. O'Keefe and the defendant went after leaving
21 C.F. McCarthy's at approximately 11:00 p.m. or so.

22 Now, from that establishment, you'll hear from
23 Rebecca Trayers, who was working as a bartender at
24 the Waterfall that evening. You'll hear from a
25 couple named Nicholas and Karina Kolokithas, who

1 were friends of friends, who had known Mr. O'Keefe
2 through -- they had a daughter around the same age
3 as Mr. O'Keefe's niece.

4 Ms. Kolokithas had some conversation with the
5 defendant that evening, as well as herself and
6 Ms. McCabe at the Waterfall. She left around the
7 same time as they did. She parked on Washington
8 Street around the same area as Mr. O'Keefe and
9 Ms. Read did, specifically, in Ms. Read's car. And
10 she observed Mr. O'Keefe and the defendant walking
11 toward the defendant's vehicle and, specifically,
12 the defendant walking towards the driver's side of
13 that vehicle.

14 Now, you'll hear testimony from a Christopher
15 and Julie Albert, who were people who were at one
16 point neighbors of Mr. O'Keefe. They knew him well
17 from being neighbors of him. Christopher Albert
18 owned a pizza shop also located within that Canton
19 Center area.

20 Now, Mr. O'Keefe, earlier on the day of the
21 28th, had been in that pizza shop along with his
22 nephew to get his nephew a slice. Christopher
23 Albert and Mr. O'Keefe had some conversation what
24 they were doing that night, and it was Christopher
25 Albert who actually texts Mr. O'Keefe and indicates

1 that they are over at the Waterfall and that he
2 should come over, shortly before Mr. O'Keefe and
3 the defendant make their way from C.F. McCarthy's
4 over there.

5 Now, Christopher Albert left directly from the
6 Waterfall and went home. He lives sort of walking
7 distance away from there. His wife, Julie Albert,
8 had left earlier in the evening. There was a band
9 playing at the Waterfall that night. Mrs. Julie
10 Albert started to get a migraine, and she left
11 before most of the group did.

12 Included in that group and sort of how they
13 came to the Waterfall, the Albert family in
14 particular, Julie Albert went there along with her
15 sister-in-law, Nicole Albert, as well as her niece,
16 Caitlin Albert; her niece's boyfriend, a Mr.
17 Tristin Morris; and they had dinner at the
18 Waterfall earlier in that evening.

19 Now, Nicole Albert lives at 34 Fairview Road
20 and she has a husband named Brian Albert, who was
21 also a Boston police officer. Brian Albert had
22 gone with a friend of his, who is also in law
23 enforcement, a man named Brian Higgins. And they
24 had gone separately but had come home together from
25 a funeral for a fallen police officer in New York

1 City. They came home early to sort of beat the
2 weather and, eventually, they meet up with Brian
3 Albert's family at the Waterfall.

4 Now, Tristin Morris, who is Caitlin Albert's
5 boyfriend, had left the Waterfall at some point in
6 the evening. He then returns later to the
7 residence on Fairview Road and picks up Caitlin
8 Albert and brings her home. All of this is in
9 relation to Brian Albert and Nicole Albert's son,
10 Brian Albert, Jr., whose birthday was coming up the
11 following day, the day of the snowstorm on the
12 29th. So he had been back at the house at 34
13 Fairview while his family was out at the Waterfall.
14 He had a number of friends that had come over that
15 evening to celebrate his birthday with him.

16 Now, among those friends was two individuals
17 named Sara Levinson and Julie Nagel, and they were
18 at the residence at 34 Fairview for a good portion
19 of the night. Now, those individuals from the
20 Waterfall that leave and then come to 34 Fairview,
21 they do so sometime shortly after midnight. And
22 shortly after midnight is when it starts to snow.
23 The flurries are starting to come down. The snow
24 is starting to stick to some degree to the road, to
25 the front lawn, to the grassy areas around the town

1 of Canton.

2 Now, from that group, the group that goes
3 back, it's obviously Brian Albert and Nicole
4 Albert, as they live there; Caitlin Albert, because
5 it's her parents and her boyfriend is picking up
6 there; as well as Jennifer McCabe, who is Nicole
7 Albert's sister; and her husband, Matthew McCabe.
8 They go back to that, and there is an open
9 invitation to essentially anybody that's there.
10 John O'Keefe takes them up on that. There were
11 certain text messages and phone conversations
12 between John O'Keefe and Jennifer McCabe as to
13 where this house is located as he's never been
14 there before. Then he and the defendant drive in
15 the defendant's vehicle to 34 Fairview Road.

16 Once there, there are several witnesses from
17 within the home that observed the vehicle parked.
18 So I had mentioned earlier there are two females
19 that were with Brian Albert, Jr. at the house, one
20 of them being Julie Nagel. At some point, she had
21 called her brother, a Mr. Ryan Nagel, for a ride
22 home. He then gets a ride from his friends, Ricky
23 D'Antuono, as well as Mr. Nagel's girlfriend, a
24 Heather Maxon, that's ride in the back of
25 Mr. D'Antuono's pickup truck.

1 I say that because they arrive at Fairview
2 Road around the same time as the defendant. The
3 defendant is coming in from one direction. The
4 pickup with the Nagel brother is coming in from
5 another direction.

6 The pickup truck that the Nagel brother is
7 riding in flashes its lights, signaling the
8 defendant to go. She goes first. They follow in
9 behind; and, lo and behold, they end up at the same
10 house.

11 They park the pickup truck somewhere in that
12 right side of the property if you're facing it from
13 the street in the area of the driveway, and the
14 defendant, in her black Lexus SUV, parks a little
15 bit further up. Different people from within the
16 pickup and different people from within the house
17 observe that Lexus SUV in one location, pull up a
18 little bit further and then pull up a little bit
19 further until it's in the area of that fire
20 hydrant, of that flagpole, where Mr. O'Keefe is
21 located the following morning.

22 Now, from their position, I anticipate the
23 testimony that you're going to hear is that Heather
24 Maxon from that pickup truck observes a male
25 passenger and a female operator when the pickup

1 truck operator flashes those lights at the vehicle
2 as they're facing each other before they pull down
3 Fairview.

4 What you'll hear also, I anticipate, from all
5 three of those individuals in the pickup and Julie
6 Nagel, who comes out to the pickup to talk to her
7 brother, is that no one ever exits that vehicle.
8 There are no footprints around that vehicle. There
9 is no damage that they observe to that vehicle at
10 that time. Again, it's just started to snow.
11 Things aren't sticking really too much at this
12 point.

13 Julie Nagel has a conversation with her
14 brother and decides that she is going to stay at
15 the house longer and makes other arrangements for a
16 ride home, and the pickup truck leaves from that
17 point. As they pass by, they observe a female
18 operator matching what I submit is a description of
19 the defendant.

20 From all of those people within that house
21 that evening, none of them at any point in time
22 observed John O'Keefe come into the house. They
23 see the vehicle out front. They see the vehicle
24 pull away, and they just assume that they left and
25 that no one was coming in.

1 You will hear testimony from other individuals
2 who were at the house that night, including Colin
3 Albert, who is Julie and Christopher Albert's son.
4 He is also the cousin of Brian Albert, Jr., who was
5 having people over for his birthday. He is leaving
6 the house around the time that the initial people
7 coming back from the Waterfall, which includes the
8 homeowners and Mr. Higgins, are sort of coming into
9 the house. At that point, Colin Albert is leaving.
10 He is getting picked up by a young lady named
11 Allison McCabe, who is Jennifer and Matthew
12 McCabe's daughter, who is also friends with Colin
13 Albert and also cousins of Brian Albert, Jr., who
14 is within the home, celebrating his birthday.

15 As I mentioned, you'll hear testimony from
16 Matthew McCabe and from Jennifer McCabe in regard
17 to their observations that particular evening both
18 at the Waterfall as well as at the residence on
19 Fairview Road. And then you'll hear testimony
20 in regard to a phone call, a phone call that
21 Jennifer McCabe receives from John O'Keefe's niece
22 at approximately 4:53 in the morning. She answers
23 that phone call, speaks to the niece briefly, and
24 the niece hands the phone over to the defendant.

25 Now, you'll hear testimony from the niece, as

1 well, that at about 4:30 in the morning or so, the
2 defendant came into her room in a frantic state,
3 saying that Mr. O'Keefe had not come home the night
4 before.

5 So initially when the defendant is talking to
6 Ms. McCabe, she indicates to Ms. McCabe that the
7 last time she saw Mr. O'Keefe was at the Waterfall.
8 Eventually, as Ms. McCabe is waking up, she reminds
9 the defendant that she not only saw them leave the
10 Waterfall around the same time as herself but also
11 saw the vehicle, the defendant's vehicle, outside
12 of the home on Fairview Road.

13 Eventually, the defendant, while driving
14 around, and this will come in as far as other
15 testimony and related testimony as it develops, but
16 she's driving around on that morning. She's
17 calling a bunch, a number of different people,
18 friends of Mr. O'Keefe. She is calling
19 Mr. O'Keefe, himself. She also calls Ms. Roberts.
20 So Kerry Roberts received a call about 5:00 a.m.
21 from the defendant, indicating that Mr. O'Keefe did
22 not come home, indicating that he got hit by a plow
23 and that he must be dead.

24 Ms. Roberts then gets ready. Ms. McCabe is
25 getting ready, as they're all sort of planning to

1 go out and look for Mr. O'Keefe and see if they can
2 locate him. They call numerous times, and you'll
3 see that within the text messages and the phone
4 extractions from a variety of people's different
5 phones throughout the course of this trial, as
6 well.

7 So eventually, the defendant comes to
8 Ms. McCabe's home, indicates at some point prior to
9 that that she has a cracked taillight. Ms. McCabe
10 then gets in the driver's seat due to the
11 defendant's frantic state. Ms. Roberts is there,
12 as well. Ms. Roberts follows Ms. McCabe, driving
13 the defendant's vehicle back to Mr. O'Keefe's
14 residence on Meadows Ave., checks on the niece.
15 The defendant then shows both Ms. Roberts and
16 Ms. McCabe the damage to her right rear taillight,
17 which it's essentially missing a number of
18 different pieces from that right rear taillight.

19 They then proceed off to drive and see if they
20 can locate Mr. O'Keefe. The defendant is insistent
21 that they go to that residence on Fairview Road.
22 Again, they are driving down there in the dark, in
23 the snow, in the wind, in the blizzard.

24 As they approach towards that residence, there
25 is one person -- so they are seated within the

1 vehicle. This is Ms. Roberts' vehicle which she's
2 driving. Mrs. McCabe is in the front passenger
3 seat, and the defendant is in the rear passenger
4 seat.

5 The defendant is the only one who sees
6 Mr. O'Keefe and yells and screams at Ms. Roberts to
7 stop the vehicle. Ms. Roberts and Ms. McCabe, I
8 anticipate, will testify that they did not see
9 Mr. O'Keefe, not only as they were driving past
10 him but even after they got out of the vehicle
11 until the defendant gets out of the backseat and
12 makes a B-line essentially right over to where
13 Mr. O'Keefe's body is found.

14 Mrs. McCabe then dials 911 and shortly after
15 that is when the officers and the Canton
16 firefighters arrive on scene.

17 Now, while they are waiting there at
18 approximately 6:23, 6:24 a.m. during a conversation
19 with the defendant, the defendant asks Ms. McCabe
20 to look up on her phone how long someone has to be
21 out in the cold to die from hypothermia, or
22 something to that effect. And you'll hear some
23 dispute as to when that search was made, but you'll
24 hear testimony from three different forensic
25 extraction experts. It will be Trooper Nicholas

1 Guarino, Ms. Jessica Hyde and a Mr. Ian Whiffin,
2 who you'll hear about a lot of things called
3 extraction reports from cell phones.

4 And the extraction reports are done with a
5 program Cellebrite, and Mr. Whiffin is someone who
6 writes that software for Cellebrite. And I
7 anticipate you'll hear from each of their
8 testimonies that that Google search that was done
9 on Ms. McCabe's phone was done at the same time
10 frame that she indicates the defendant requested
11 her to do it and that at 6:23 and 6:24 in the
12 morning.

13 You'll hear testimony from Ms. Roberts,
14 Ms. McCabe, the firefighters and the responding
15 Canton police officers about a repeated phraseology
16 that the defendant stated while there, asking again
17 and again in regard to Mr. O'Keefe, is he dead, is
18 he dead.

19 You will also hear testimony, as I indicated,
20 about the sort of treatment that she received at
21 the Good Samaritan Medical Center, and that would
22 involve testimony of a Ms. Daisy Ormseth and a
23 Ms. Kathleen Wilfert and a Dr. Garrey Faller. You
24 will hear testimony from a number of different
25 analysts from the state police crime lab and some

1 other laboratories, as well. Included within that
2 will be a Mr. Nicholas Roberts, a Ms. Maureen
3 Hartnett, Mr. Andre Porto, Ms. Ashley Vaillier and
4 a Ms. Christina Hanley, those all being from the
5 state police lab.

6 You will hear testimony in regard to an
7 incident which occurred earlier in January, right
8 around New Year's. Mr. O'Keefe, the defendant and
9 the children had been invited with a much larger
10 group, approximately 70 people or so, to spend New
11 Year's in Aruba. This was a trip that was
12 organized by a friend of Mr. O'Keefe's named Laura
13 Sullivan. You will hear testimony from her as well
14 as from her sister, Ms. Marietta Sullivan, as well
15 as you'll hear testimony from the two children in
16 relation to this.

17 Essentially day two or so of this trip,
18 Marietta Sullivan, the sister of Laura, is walking
19 through the lobby, and she runs into Mr. O'Keefe.
20 Now, this is someone she refers to as "Godfather"
21 because John O'Keefe is also the godfather of Laura
22 Sullivan's son. Runs into him in the lobby, gives
23 him a hug and sort of pointing him in the direction
24 of where she believes he's going into his room.
25 The defendant is in the area. The defendant starts

1 yelling and screaming and swearing at Ms. Sullivan.

2 Ms. Sullivan responds in kind and,
3 essentially, for the most part, the Sullivan
4 sisters see very little of Mr. O'Keefe throughout
5 the remainder of their trip to Aruba.

6 And you'll also hear testimony from the
7 children that shortly after this or immediately
8 after this, there is an approximately 20-minute
9 screaming match going on between Mr. O'Keefe and
10 the defendant within their hotel room in front of
11 the children.

12 Now, you'll also hear testimony from the
13 defendant's phone in regard to and from another
14 individual's phone in regard to that Aruba trip in
15 regard to text messages of an amorous nature that
16 she had with Mr. Brian Higgins, who was at the
17 Waterfall and also at the residence on 34 Fairview
18 because he was friends with the homeowner, Brian
19 Albert. But he was also friends with Mr. O'Keefe
20 and had also met the defendant before.

21 And, throughout the course of those amorous
22 text messages, there is references that the
23 defendant makes to that incident in Aruba, as she
24 purports it to be Mr. O'Keefe cheating on her. She
25 insists that he was making out with Marietta

1 Sullivan in that lobby as opposed to her giving him
2 a hug and makes repeated reference to that within
3 the contents of those text messages, as well.

4 Now, you'll hear testimony from a number of
5 other individuals, a Mr. Michael Trotta, who has a
6 supervisory role with the Canton Department of
7 Public Works. You'll hear from Mr. Louis Jutras,
8 who has a supervisory role with regard to IT, with
9 regard to certain video that was recovered from the
10 town of Canton, as well as from a temple located
11 along the route that the defendant traveled both
12 away from Fairview that evening as well as -- to
13 Fairview from Waterfall, away from Fairview to
14 Mr. O'Keefe's residence on Meadows and then later
15 in the morning at 5:00 a.m., because if you recall,
16 Ms. McCabe, I anticipate, will testify that she
17 receives the call from the defendant about 4:53 in
18 the morning. The defendant then drives around
19 Canton for some perceptible half hour or so period
20 of time prior to even getting to Ms. McCabe's
21 house.

22 What I submit the evidence or what I
23 anticipate the evidence will show based on sort of
24 the tracking of her phone records, testimony you'll
25 hear from Lieutenant Brian Tully of the state

1 police from these VoLTE records and RTT accounts
2 that the defendant, while she's using her phone,
3 is driving in the direction of Fairview Road prior
4 to going to Ms. McCabe's house, where she meets
5 Ms. McCabe and Ms. Roberts.

6 Now, again, you'll hear testimony from a
7 number of different troopers who were involved in
8 the investigation with regard to this case. You'll
9 hear from Trooper Michael Proctor and Sergeant Yuri
10 Bukhenik with the state police. You'll hear from
11 Lieutenant Brian Tully.

12 You'll hear some testimony from Trooper Joseph
13 Paul, who was in a specialized unit within the
14 state police called CARS, for short. But,
15 essentially, it's collision analysis and
16 reconstruction section within the Massachusetts
17 State Police and his examination of the vehicle,
18 his examination of the scene, his examination of
19 specifically some Toyota data because Lexus is
20 essentially owned by Toyota or vice versa. So
21 there is some data that he is able to recover from
22 that and back the vehicle up based on its known
23 locations and travel and key cycles and essentially
24 opines, I'll anticipate he'll opine, that around
25 12:45 in the morning when the vehicle was in front

1 of the residence on Fairview, that for some
2 perceptible period of time, that vehicle travels
3 over 60 feet in reverse at over approximately 24.2
4 miles per hour.

5 Now, you'll hear testimony, as I said, from a
6 number of different troopers as well as from a
7 number of different analysts from different labs.
8 Included within that is a Ms. Maureen Hartnett, who
9 collected items from the vehicle, the defendant's
10 vehicle, including the taillights, sort of housing
11 from that vehicle, pieces of the taillight that
12 were discovered in sort of the front grass and from
13 the street area. There is a specialized team
14 called the SERT team. You will hear from
15 Lieutenant Kevin O'Hara, who has a supervisor role
16 in relation to that and that later on that day of
17 the 29th, he, along with Lieutenant Tully and a
18 number of different members from his SERT team,
19 were searching for evidence within the mounds of
20 snow in front of that house as the blizzard is
21 still ongoing at this point sort of the afternoon
22 hours.

23 And among the items that they locate is a
24 sneaker. When Mr. O'Keefe is transported to the
25 hospital, he's found to only have one sneaker on

1 his feet. They find the other sneaker in that area
2 of the body. They find various pieces of
3 taillight. And, as is wont to do, over the course
4 of the following days, the temperatures rise.
5 There is a rainstorm that comes in, and the snow
6 melts. And, over those successive days, there are
7 additional pieces of taillights that are eventually
8 discovered in that area of the front lawn and the
9 street.

10 Now, from these different pieces, they also
11 locate a cocktail glass that's located on the
12 bumper or the rear area of that scene, and she
13 locates a human hair on the back of the defendant's
14 vehicle, as well.

15 Now, the cocktail glass and the bumper, you'll
16 also see a surveillance vehicle from the Waterfall.
17 And Mr. O'Keefe is observed on that surveillance
18 video, essentially walking out of the Waterfall
19 with a cocktail glass in his right hand, the same
20 right hands that has minor injuries to it and the
21 same right hand that is attached to his right arm
22 that has the abrasions and lacerations that are
23 observed by the paramedics, that are observed by
24 the doctors at Good Samaritan and observed by the
25 medical examiner, as well.

1 You will hear testimony from another analyst,
2 a Christine Hanley, about the forensic consistency
3 between a drinking glass that was in the
4 defendant's bumper and drinking glass pieces that
5 were found on scene at 34 Fairview. You'll hear
6 her testimony in regard to pieces of red and clear
7 plastic that were microscopic in size that were
8 found within Mr. O'Keefe's clothing, consistent, in
9 her opinion, I anticipate she'll testify, with the
10 same pieces of plastic contained within the
11 defendant's taillight.

12 You'll hear from an Ashley Vaillier, who works
13 for the lab, as well, and how she fit the various
14 pieces of broken taillight from the scene together
15 and over that taillight housing, finding them to be
16 consistent with each other, as well.

17 You'll hear testimony from Andre Porto, who is
18 essentially a DNA analyst for the lab and samples,
19 DNA samples, that were taken from the taillight,
20 from the clothes of Mr. O'Keefe and the broken
21 drinking glass that were consistent with
22 Mr. O'Keefe.

23 Those items were also sent, the taillight
24 pieces, the taillight DNA, was also sent to an
25 independent lab, Bode Technology, located in

1 Lorton, Virginia. And you'll hear from an analyst
2 there, a Mr. Nicholas Bradford, indicating that the
3 DNA on the defendant's taillight, in his opinion,
4 is consistent with that of Mr. O'Keefe and
5 inconsistent with Trooper Proctor and Sergeant
6 Bukhenik, who were the two sort of preliminary
7 investigators and primary investigators when it
8 came to this case.

9 You'll also hear from Ms. Tess Chart from
10 that Bode laboratories in regard to some
11 mitochondrial DNA that she examined in regard to
12 that hair that Ms. Hartnett found on the bumper of
13 the car and her opinion that it was consistent with
14 that of Mr. O'Keefe, as well.

15 Now, lastly, you'll also hear from Dr. Irini
16 Scordi-Bello and Dr. Renee Stonebridge of the
17 Office of the Chief Medical Examiner in regard to
18 their various examinations. Dr. Stonebridge is a
19 neuropathologist. She essentially examines brain
20 findings. Dr. Irini Scordi-Bello is a forensic
21 pathologist who does the sort of autopsy and
22 medical examination of Mr. O'Keefe's body, and you
23 will hear about the variety of sort of injuries
24 that she observed over Mr. O'Keefe's body from
25 that.

1 In particular, you'll hear testimony in regard
2 to a laceration to the right back of his head.
3 You'll hear testimony in regard to an initial sort
4 of skull fracture that occurs to the back of his
5 head and then sort of a radiating skull fracture
6 that goes throughout his skull which then leads to
7 a subdural hemorrhage or essentially bleeding on
8 the brain and then swelling of the brain, which
9 then causes a condition called ecchymosis, which
10 then sort of leads to the swelling of both of
11 Mr. O'Keefe's eyes that is observed by the initial
12 respondents.

13 You will hear various testimony about sort of
14 issues in regard to his pancreas and how that's
15 indicative of hypothermia.

16 Now, again, as I said, this is the first of
17 two times that I have an opportunity to address you
18 directly, and I thank you very much for your
19 attention today and I thank you in anticipation of
20 your close attention as we go through all of the
21 witnesses and all of the evidence in this case.

22 That second time that I do get to address you,
23 what I'll be asking you to do, based on the
24 evidence and, again, as the Court has instructed
25 you, you are the sole arbiters of the facts of this

1 case. You are the ones who find what the facts
2 are, and I reiterate that, facts, and what the
3 evidence demonstrates in this case.

4 And what I submit to you at that time, that
5 second time, is that the only true and just verdict
6 based on that evidence is that the defendant, Karen
7 Read, is guilty of murder in the second degree,
8 striking the victim, Mr. O'Keefe, with a car,
9 knocking him back onto the ground, striking his
10 head on the ground, causing the bleeding in his
11 brain, the swelling and then leaving him there for
12 several hours in a blizzard with temperatures in
13 the teens, winds swirling around snow piling up on
14 his body until she comes with Mrs. McCabe and
15 Mrs. Roberts just after 6:00 a.m. and that she is
16 also guilty of vehicular manslaughter, operating
17 under the influence of liquor and that she is also
18 guilty of leaving the scene after causing death.

19 Thank you very much for your time.

20 THE COURT: All right. Thank you, Mr. Lally.

21 Mr. Yannetti?

22 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

23 MR. YANNETTI: Thank you, Your Honor. May it
24 please the Court.

25 Karen Read was framed. Her car never struck

1 John O'Keefe. She did not cause his death, and
2 that means that somebody else did. You will learn
3 that it was no accident that John O'Keefe was found
4 dead on the front lawn of 34 Fairview Road in
5 Canton on January 29th of 2022. You will learn
6 that at that address lived a well-known and well-
7 connected law enforcement family in Canton, the
8 Alberts. Because the Alberts were involved and
9 because they had close connections to the
10 investigators in this case, Karen Read was framed
11 for a murder she did not commit.

12 Good morning again, ladies and gentlemen. As
13 I previously told you, my name is David Yannetti.
14 I'm an attorney with an office in Boston. Together
15 with Attorneys Alan Jackson and Elizabeth Little,
16 it is truly my privilege and my honor to represent
17 Karen Read during this trial.

18 From a very early juncture in this case, you
19 will question the Commonwealth's theory of the
20 case. You will question the quality of the
21 Commonwealth's evidence. You will question the
22 veracity of the Commonwealth's witnesses, and you
23 will question their shoddy and biased
24 investigation, a faulty investigation that led to
25 Karen Read sitting here today.

1 You will learn, in short, that the police did
2 no real investigation of this case and you will
3 question why. You will question why the
4 investigators had such tunnel vision. You will
5 question why they focused solely on Karen Read,
6 someone with no ties to the Canton Police
7 Department as opposed to the well-known and well-
8 connected Albert family of Canton, a family that
9 was never treated as suspects by the investigators
10 in this case.

11 Boston Police Officer John O'Keefe was found
12 mortally injured on Brian Albert's front lawn. His
13 body was in full view and almost right below Brian
14 Albert's bedroom window on his front lawn. He was
15 found wearing only one sneaker.

16 You'll learn that Brian Albert was a Boston
17 police officer, as well, and that he was a trained
18 first responder. Brian Albert was notified that
19 another police officer was injured and unresponsive
20 on his front lawn, and Brian Albert did nothing.
21 His sister-in-law, Jennifer McCabe, and other
22 civilians were on his property that morning after
23 John O'Keefe's body was found, police, EMTs,
24 firefighters, police cruisers, an ambulance, fire
25 truck, lights flashing, and First Responder Brian

1 Albert never came out of his house.

2 Equally important for you will be the fact
3 that the lead homicide investigators never went
4 inside the Albert home that morning. You will
5 learn that Brian Albert's brother, Kevin Albert, is
6 a Canton police officer.

7 It was obvious very early on that the Canton
8 Police should not be investigating the death of a
9 man found on the property of the brother of a
10 Canton police officer.

11 So it was decided just about from the start
12 that the Massachusetts State Police should take
13 complete control of this investigation because the
14 Canton Police were conflicted out.

15 Now, that sounded good at the time, but you'll
16 learn that two major problems arose. First,
17 despite the fact that they obviously had a conflict
18 of interest, the evidence will show that the Canton
19 Police still had their hands in this investigation.
20 You will find it astounding, but Canton Police
21 Officer Kevin Albert, the reason for the conflict
22 of interest in the first place, was continually
23 updated about the status of this investigation
24 while it was going on.

25 Second and equally troubling is that the lead

1 state police detective who was assigned to this
2 case was a man named Michael Proctor. Michael
3 Proctor, you will learn, is one of the many people
4 in Canton with deep ties to the Albert family.
5 Michael Proctor's own mother refers to the Alberts
6 as the Proctors' second family. At his own
7 sister's wedding, Michael Proctor was in the
8 wedding party with Colin Albert and he sat at the
9 head table of that wedding with members of the
10 Albert family.

11 That is the man who was chosen to lead the
12 investigation into the suspicious death on the
13 property of Brian Albert. That's the man who gave
14 updates to Canton Police Officer Kevin Albert while
15 the state police were supposed to be investigating
16 what had occurred at his brother, Brian Albert's
17 house.

18 You'll learn that right from the jump, Michael
19 Proctor predetermined the outcome of this case,
20 never stepped foot inside the Albert home on
21 January 29th of 2022, never checked out whether
22 there were any signs of struggle inside that home.
23 He never called for crime scene technicians and
24 other specialists to look for blood or other trace
25 evidence within the home. He never asked Brian

1 Albert for permission to go in the home and take a
2 look around. Michael Proctor never applied for a
3 search warrant to go in that home. Instead, he
4 focused immediately and exclusively on Karen Read,
5 the outsider.

6 You will learn that no one in the Proctor
7 family has ever called the Read family their second
8 family. No one in the Proctor family had been in a
9 wedding party with anyone from the Read family.
10 Karen Read was a convenient outsider. She was most
11 definitely not from Canton.

12 So how did Michael Proctor feel about her?
13 How did he treat somebody he was investigating at a
14 point in time when he should have been keeping an
15 open mind, focusing on obtaining all possible
16 evidence so that he didn't miss anything?

17 Well, you will learn that on the very day that
18 John O'Keefe was found dead on Brian Albert's lawn,
19 Michael Proctor was texting with his high school
20 buddies about this supposedly secret investigation,
21 using his personal cell phone. He was revealing
22 information about this investigation to his
23 friends, assuming that nobody would ever find out
24 what he was doing and what he was saying. And he
25 was revealing his true thoughts about Karen Read to

1 his friends, not what he put in in his sanitized
2 police reports, his true feelings to his friends,
3 whom he trusted, and in text messages he never
4 thought would come into the hands of the defense in
5 this case.

6 Lead Investigator, Trooper Michael Proctor,
7 right from the start, called Karen Read names you
8 would reserve only for your worst enemies. He told
9 his friends that he hoped that she would kill
10 herself. He told his friends that he had seized
11 her cell phone, and you will learn that he knew he
12 shouldn't have been accessing any content on her
13 cell phone because he knew there would likely be
14 attorney/client communications between Karen and me
15 at that time.

16 He knew that he was supposed to wait for a
17 search warrant or other permission from a judge in
18 order to go through that phone. But you'll learn
19 that he went through the phone, anyway, without
20 permission. And you'll know that he did because he
21 told his high school buddies that he was searching
22 her phone for nude photos of Karen Read, and he was
23 disappointed he hadn't found any yet. That is the
24 professional and unbiased investigator who was
25 chosen to lead the investigation into the death of

1 John O'Keefe.

2 You will learn that one of Michael Proctor's
3 friends commented to him that with a dead body on
4 the front lawn, the homeowner in this case is
5 surely going to catch a lot of grief. And do you
6 know what Michael Proctor's response to that was?
7 One word. "Nope." And he explained why. Michael
8 Proctor assured his buddies that the homeowner
9 would not catch a lot of grief because, quote, "the
10 homeowner is a Boston cop too."

11 That one sentence, ladies and gentlemen, in
12 Michael Proctor's own words, will explain a lot to
13 you about how this investigation was conducted.
14 You will be able to evaluate whether Trooper
15 Michael Proctor treated Brian Albert and his family
16 differently because of who they are and the
17 relationships between his family and theirs.

18 You will evaluate whether this investigation
19 was on the up and up. You will decide as a result
20 how valuable or worthless the prosecution's DNA
21 evidence is or is not in light of who controlled
22 that evidence.

23 You will learn that Michael Proctor's
24 fingerprints are figuratively all over this case.
25 His fingerprints are all over the Commonwealth's

1 evidence.

2 You will learn that Michael Proctor showed up
3 at Karen Read's parents' house in Dighton to
4 interview her during the afternoon of January 29th,
5 only hours after John O'Keefe's body was found dead
6 on Brian Albert's front lawn.

7 You'll learn that Michael Proctor had her
8 Lexus SUV towed from her parents home, but you'll
9 also learn that he wrote a search warrant in which
10 he falsified the time that he took that SUV. He
11 swore under oath that the vehicle wasn't towed
12 until 5:30 p.m. But you'll learn that we obtained
13 surveillance footage that he didn't know we would
14 get. And that surveillance footage exposed that
15 Michael Proctor's words in that sworn affidavit
16 were a lie.

17 Michael Proctor had that vehicle for about 90
18 minutes before he claimed to have taken it. And,
19 folks, you will learn that the timing is important,
20 very important because when John O'Keefe was first
21 found on Brian Albert's front lawn, the police
22 thoroughly searched that yard for potential
23 evidence. And it wasn't just one officer or two or
24 three. There were at least four officers that
25 searched that front lawn, and that morning was the

1 beginning of a snowstorm but there wasn't yet much
2 snow on the ground when they were searching that
3 lawn.

4 It was light out by the time they did the
5 search, and it was getting lighter. And, during
6 that thorough search of Brian Albert's front lawn,
7 the number of pieces of taillight that were found
8 by a minimum of four officers looking for evidence
9 was zero. It was only later in the day when the
10 snow was really starting to accumulate that the
11 police miraculously started to find pieces of
12 taillight on the property.

13 The police only started to find pieces of
14 taillight after Michael Proctor had seized Karen
15 Read's car. They only started to find pieces of
16 taillight after Michael Proctor had possession of
17 her taillight.

18 You will learn that Trooper Michael Proctor
19 then kept going back to the Albert residence after
20 that day, and he claims to have kept finding pieces
21 of taillight on multiple occasions on multiple
22 different days.

23 In addition, a good week after John O'Keefe's
24 death, Canton Police Chief Kenneth Berkowitz, an
25 older officer on the brink of retirement with

1 probably not the best eyesight, someone -- he
2 supposedly was driving, happened to be driving past
3 Brian Albert's house. And, by the way, Brian
4 Albert is someone with whom Chief Berkowitz is also
5 good friends. And this older man allegedly spotted
6 yet another piece of taillight from his moving
7 vehicle.

8 This was yet another piece of taillight that
9 was a moving vehicle. This was yet another piece
10 of taillight that was somehow missed by the trained
11 specialists who had previously and thoroughly
12 searched the property, another piece of taillight
13 that Proctor supposedly missed in the many times
14 that he went back to the property. And Michael
15 Proctor claims that he kept finding pieces of
16 taillight right up until February 18th of 2022,
17 which was nearly three weeks after John O'Keefe was
18 found dead on Brian Albert's lawn.

19 You will learn that there is no competent
20 evidence that Karen Read's taillight shattered at
21 Brian Albert's property in the early morning hours
22 of January 29th of 2022. To the contrary. You'll
23 learn that when Karen left John at Brian Albert's
24 house, she drove back to John's house on Meadows
25 Ave. across town in Canton at John's home where he

1 lived with his two adopted children. Karen was
2 drifting in and out of sleep, but she woke up for
3 good in a panic sometime around 4:00 a.m. because
4 John hadn't come home. And that was not like him
5 at all. He had never done that before.

6 Karen had a sinking feeling that something was
7 wrong, something was seriously wrong. So she got
8 back into her Lexus, and she backed up out of the
9 garage to leave the driveway. And, when she did,
10 the right rear taillight of her Lexus struck John's
11 parked vehicle in the driveway and her taillight
12 cracked. That was the same taillight that the
13 prosecution now claims was broken outside the
14 Albert residence hours earlier at 12:30 a.m., but
15 we have video evidence that the taillight was
16 actually broken at 5:00 a.m., many hours after the
17 prosecution needs that taillight to have been
18 broken.

19 There is, of course, no video of the taillight
20 being broken at Brian Albert's house. You will
21 eventually conclude that that's because the
22 taillight was not broken there. Importantly, you
23 will learn that there was an eyewitness who arrived
24 at 34 Fairview after Karen got there with John
25 O'Keefe in the early morning hours of January 29th.

1 And that eyewitness, Ryan Nagel, who is the brother
2 of Julie Nagel, who was at the after-hours party
3 that night.

4 He had a clear view of Karen's SUV. Ryan
5 Nagel confirms that there was no damage to her
6 taillight at that time. Karen was sitting in the
7 driver's seat with hands at 10 and two. And Ryan
8 Nagel confirms that while Karen was inside the car,
9 John O'Keefe was not. John O'Keefe was also not
10 outside the car at that time. You will ultimately
11 conclude there's only one other place he could have
12 been.

13 Now, going back to that 5:00 a.m. video from
14 John's driveway, you will see Karen back up her
15 Lexus and strike John's car at about 5:00 a.m. when
16 she was leaving John's house to go out to look for
17 him. And you will know that she struck his car at
18 5:00 a.m. because you will watch that video
19 closely. You will witness that the wheels and the
20 hubcaps on John's car are jostled and moved by
21 Karen's SUV, and you will conclude that that video
22 depicts exactly when Karen's taillight was cracked,
23 long after she dropped off John that night at 34
24 Fairview.

25 And you will learn that part of the reason

1 that Karen's Lexus had hit John's car was that
2 Karen was panicked at that time. Where is John?
3 Why didn't he come home? What happened to him?
4 And you will learn that she was racking her brain
5 for what possibly could have happened and, like
6 many of us, was worried about the worst.

7 Did I hit him? Could I have hit him? That
8 was what she was saying both to herself and to
9 other people later that morning when she went back
10 to 34 Fairview. She couldn't think of anything
11 else that made sense. She certainly didn't
12 consider in a million years that someone from
13 within the Albert home could have beaten up John
14 and left him to die on the front lawn.

15 Now, that was over two years ago. Karen
16 didn't know then what you will learn during this
17 trial. Karen didn't know that Brian Albert's
18 sister-in-law, Jennifer McCabe, left the after-
19 hours party at Brian Albert's house sometime after
20 Karen pulled away. She didn't know what after
21 Jennifer McCabe dropped off some people elsewhere,
22 she returned to her own home. Karen didn't know
23 that Jennifer McCabe climbed some stairs in her
24 home and eventually made it into her bedroom with
25 her cell phone.

1 Karen didn't know that Jennifer McCabe settled
2 in at 2:27 in the morning on January 29th of 2022
3 and typed a Google search that she would later
4 delete. 2:27 in the morning was over three hours
5 before John O'Keefe's body was found on Brian
6 Albert's lawn. 2:27 was over three hours before
7 anyone knew or suspected that John O'Keefe was
8 missing or hurt or in trouble. And, at 2:27 in the
9 morning, you will learn that with no one watching
10 her, thinking she was alone with her thoughts and
11 not worrying that anyone would know what she was
12 doing, Jennifer McCabe typed in the following
13 Google search. How long to die in the cold?

14 Now, she misspelled the first word. So the
15 actual search was how long to die in the cold. But
16 you'll get the point. You will ask yourself, why
17 would somebody Google how long does it take for
18 someone to die in the cold unless that person knew
19 someone who either was in that situation or would
20 be in that situation.

21 You will question during this trial who was it
22 that actually did die in the cold at some point
23 that night sometime after Jen McCabe was asking
24 Google for an answer to her question. And you will
25 learn that the answer to that question was John

1 O'Keefe.

2 The medical examiner in this case will testify
3 that one of the causes of John O'Keefe's death was
4 hypothermia. John O'Keefe died in part because he
5 was left to die in the cold.

6 Now, the Commonwealth will try to dispute the
7 timing of that Google search. They'll try to claim
8 that there were only two Google searches at 6:23
9 and 6:24 a.m. after John's body was found. But one
10 problem for the Commonwealth will be that we have
11 retained Richard Green, one of the leading computer
12 forensic experts in the country.

13 Rick Green has forensically analyzed Jennifer
14 McCabe's phone both manually and using every
15 appropriate type of computer software to solve this
16 issue. Rick Green will confirm for you that
17 Jennifer McCabe did, indeed, make that search at
18 2:27 a.m.

19 And another problem from the Commonwealth is
20 that you will hear and see other evidence that will
21 confirm that Jennifer McCabe is lying when she
22 denies making that Google search at 2:27 a.m.

23 You will conclude that before she went to bed,
24 if she went to bed that night, Jennifer McCabe
25 wanted to know just how long it would take for

1 someone to die in the cold. And a big question in
2 this trial for you will be when was John O'Keefe
3 left to die in the cold?

4 I expect the Commonwealth will try to persuade
5 you that he was left there sometime around 12:30
6 a.m. because they are going to try to prove to you
7 that Karen Read hit him and that his body stayed
8 there the entire night until first responders
9 arrived at 6:00 a.m. and his body was taken to the
10 hospital.

11 But you will learn that there are big problems
12 with the Commonwealth's theory of this case. You
13 will learn that there were six people at that
14 after-hours party at Brian Albert's house, all of
15 whom left by the front door and would have been
16 confronted by John O'Keefe's lifeless body on that
17 lawn if he was actually there at that time.

18 Those six people walked out the front door to
19 34 Fairview, walked to their cars either in the
20 driveway or parked in front of the house. Brian
21 Albert's sister-in-law, Jennifer McCabe, was there.
22 Her husband, Matthew McCabe was there. ATF Federal
23 Agent Brian Higgins was there, who was also Brian
24 Albert's friend. Sara Levinson, a friend of Brian
25 Albert, Jr., was there. Julie Nagel, another

1 friend of Brian Albert, Jr., was there. And
2 Caitlin Albert, Brian Albert's daughter, was also
3 there, all of them leaving the residence. Each of
4 those people left 34 Fairview in Canton where Brian
5 Albert lived. Each of them walked out facing the
6 front lawn where the Commonwealth will tell you
7 that a six-foot-two, nearly 220-pound big man in
8 dark clothing was sprawled on the front lawn when
9 there was only a dusting of white snow on the
10 ground.

11 He was supposedly sprawled on that lawn, just
12 feet from where these people were walking when they
13 left the residence. And you will learn that not
14 one of these people saw John O'Keefe laying there,
15 not one.

16 And you know who else saw no one laying
17 outside in the early morning hours of January 29th?
18 The snowplow driver in charge of plowing the street
19 for the city of Canton. And this is another big
20 problem for the Commonwealth.

21 You will learn that Michael Proctor -- there's
22 that name again -- wrote a report where he claimed
23 that the DPW supervisor had told him that Fairview
24 Road had not been plowed that night. Proctor's
25 total investigation on this issue consisted of one

1 phone call and no followup. He just submitted his
2 report that simply said the road hadn't been plowed
3 that night and perhaps thinking that no one else
4 would follow up either.

5 But you'll learn that when it came to finding
6 out the truth, it's not that Proctor couldn't find
7 the truth. It's that he wouldn't. But,
8 fortunately, you'll learn that we would and we did.
9 You'll learn that within weeks after January 29th,
10 we sent our investigator, a former Medford police
11 officer named Paul Mackowski, to the Canton DPW to
12 try to get to the bottom of this.

13 Paul Mackowski talked to the same supervisor
14 at the DPW, a man named Michael Trotta, whom
15 Proctor claimed had told him that the street hadn't
16 been plowed that night.

17 You'll learn that Paul Mackowski found out
18 that Michael Proctor was not telling the truth.
19 You'll learn that Michael Trotta from the DPW told
20 Paul Mackowski, our investigator, that the street
21 was, indeed, plowed that night and that the name of
22 the plow driver was Brian Loughran.

23 So Paul Mackowski tracked down Brian Loughran.
24 He asked Mr. Loughran if the state police or any
25 investigators had ever spoken to him. And the

1 answer came back "no."

2 You will then learn what Brian Loughran had to
3 say about what he saw and didn't see that night,
4 and you will be shocked. Brian Loughran told
5 Paul Mackowski that he was driving a big snowplow
6 in Canton that night. You'll learn that the
7 nickname for it at the DPW was Frankenstein because
8 it had a lot of spare parts in it and it had been
9 around forever.

10 Brian Loughran told Paul Mackowski that when
11 he plows the streets of Canton in Frankenstein,
12 he's very careful. He makes sure to check not only
13 the roads in front of him but also the yards to the
14 side of his plow. He makes sure not to hit a fire
15 hydrant or a tree or an animal or, heaven forbid, a
16 person lying in the snow. He's always on the
17 lookout.

18 You'll learn that Brian Loughran passed by
19 34 Fairview in his plow, traveling right by
20 Brian Albert's front lawn at 2:30 in the morning.
21 You'll learn that Brian Loughran confirms that at
22 about 2:30 when he went by that house, John O'Keefe
23 was not on that front lawn. So you'll learn that
24 about two hours after the Commonwealth claims that
25 Karen Read somehow incapacitated John O'Keefe, an

1 eyewitness confirms that not only could it not have
2 happened, but it didn't happen. But you'll learn
3 that Brian Loughran also provides some other
4 troubling testimony for the comp.

5 You'll learn that after making that pass at
6 2:30 in the morning and seeing no body, he showed
7 up again at the entrance to Fairview Road,
8 intending to make another pass down it with his
9 plow. This time, however, at about 3:30 in the
10 morning, he looked down the street, and he saw that
11 parked right next Brian Albert's front lawn, right
12 in the very area where John O'Keefe's body was
13 later found at 6:00 a.m., Brian Loughran saw a Ford
14 Edge parked on the side of the road.

15 You will learn that the police have done zero
16 investigation to discover whose Ford Edge that was.
17 You'll learn that members of the Albert family
18 drove Ford Edges. You'll learn that the police to
19 this day claim not to know who was parked right
20 next to the area where John O'Keefe's body was
21 later found.

22 You will learn that while investigators on
23 this case, including Michael Proctor, completely
24 ignored the snowplow driver who went right by the
25 Albert residence, the defense not only tracked him

1 down and interviewed him, but the plow driver
2 actually took our investigator on a ride back past
3 the residence to explain the precise route that he
4 had taken on January 29th.

5 You'll learn that some other curious things
6 were going on in the early morning hours of January
7 29, curious things that the police in this case
8 utterly failed to investigate.

9 For example, after people left the after-hours
10 party at Brian Albert's house on January 29, Brian
11 Albert claimed that he had no contact with anyone
12 but his wife until he was woken up in the morning.
13 But you will learn that he was ultimately
14 confronted by the fact that his phone records
15 revealed that he had actually placed a phone call
16 to ATF Agent Brian Higgins, his friend, the same
17 friend who had been at his house earlier that
18 night. And that was at 2:22 in the morning.

19 You will learn that Brian Higgins called him
20 back 17 seconds later and they connected for 22
21 seconds on their cell phones. You'll be asked to
22 consider just how long 22 seconds is and what could
23 be said and discussed during that long of a phone
24 call. You will consider that phone call in the
25 context of the other curious things that were going

1 on during the early morning hours of January 29th.

2 You will learn about the following in
3 chronological order:

4 2:12 a.m. Jennifer McCabe arrives at her
5 home.

6 2:22 a.m. Brian Albert calls Brian Higgins.

7 2:22 a.m., 17 seconds later. Higgins calls
8 him back and Brian Albert and Brian Higgins are on
9 the phone together for 22 seconds.

10 2:23 a.m. Jennifer McCabe climbs the stairs
11 to her bedroom.

12 2:27 a.m. Jennifer McCabe searches on Google
13 how long to die in the cold.

14 2:30 a.m. Plow driver, Brian Loughran,
15 confirms there was no body on Brian Albert's front
16 lawn.

17 3:30 a.m. Brian Loughran confirms that a Ford
18 Edge was parked right where John O'Keefe's body was
19 later found.

20 The Commonwealth will not be able to
21 successfully dispute any of those facts, yet I
22 expect that they will persist in asking you to
23 convict Karen Read anyway.

24 You will learn that there are other major
25 problems with the Commonwealth's theory. You'll

1 learn that when John O'Keefe was found, he did not
2 look like he had been hit by a car. You'll learn
3 that he looked to have been attacked and beaten up.
4 You'll learn that John O'Keefe was a large, six-
5 foot-two man who, if positioned behind a Lexus SUV,
6 would have had his torso completely exposed to the
7 rear of that vehicle, including to the taillight.

8 You'll learn that no part of his torso was
9 injured. There was no bruising, no redness, no
10 scratches, no punctures. You'll learn that his
11 chest and hips and legs were pristine, despite the
12 Commonwealth's contention that he was hit by a
13 6,000-pound vehicle.

14 The evidence will show that what was not
15 pristine was his right arm. You will take one look
16 at that arm and you will conclude that a car did
17 not cause those injuries. The injuries to John
18 O'Keefe's arm appear to be consistent with scratch
19 marks and claw marks, marks that make it look as
20 though an animal had attacked his arm.

21 But you won't have to rely just on your common
22 sense when you look at those photos. You'll hear
23 from an expert forensic pathologist who is world
24 renowned who has personally conducted thousands of
25 autopsies. And he will testify that those marks

1 are consistent with scratch and claw marks and bite
2 marks from an animal, including a German Shepherd.

3 You'll learn that on January 29th of 2022,
4 Brian Albert's family dog, Chloe, was a German
5 Shepherd. You'll learn that Brian Albert has
6 admitted that this dog is not good around
7 strangers.

8 You'll learn that on January 29th of 2022,
9 John O'Keefe would have been a stranger to that
10 dog, and you'll learn that Chloe had been the
11 beloved family dog for the Alberts for seven years.
12 The Albert family loved Chloe. But, strangely, as
13 we discuss this dog today, the Albert family
14 doesn't have its beloved Chloe anymore.

15 You'll learn that Brian Albert was called to
16 testify before the grand jury regarding this matter
17 in April of 2022 and that he did testify about his
18 German Shepherd, Chloe, during that grand jury
19 testimony. And you'll learn that not long after
20 that testimony, Brian Albert and his family rehomed
21 their beloved family dog. They gave away their
22 family dog; and Chloe, the German Shepherd, is
23 therefore now gone.

24 Now, the Commonwealth will try to take your
25 attention away from all of these troubling facts

1 and try to persuade you not to consider their
2 shocking lack of investigation of anyone else; not
3 to consider John O'Keefe's injuries; not to
4 consider the fact that multiple people left the
5 residence and saw no body; not to consider the fact
6 that the snowplow driver was specifically looking
7 at 2:30 a.m., and there was no body there; not to
8 consider the fact that two people in the house were
9 communicating at 2:22 a.m. but denied speaking to
10 each other for 22 seconds and not to consider the
11 fact that one of their witnesses who was also
12 present at the home was unusually curious at 2:27
13 a.m. about how long it would take for someone to
14 die in the cold.

15 The Commonwealth will, instead, try to
16 persuade you that Karen Read supposedly had a
17 motive to kill John O'Keefe because they were not
18 getting along. You'll hear about their trip to
19 Aruba over New Year's Eve and that Karen was upset
20 that John had been flirting with another woman, and
21 you will hear that Karen considered exploring her
22 options after that trip which led her to a get-
23 together at one point with ATF Federal Agent Brian
24 Higgins, although that never went anywhere.

25 But you'll also hear that in January of 2022,

1 after the Aruba trip and not long before January
2 28th and 29th, John O'Keefe was making long-term
3 plans with Karen, including a family trip with her
4 and the kids and also another trip with Karen and
5 another couple for months into the future.

6 And you'll see video of how John and Karen
7 were interacting on the night in question. You'll
8 see for yourself how they looked at each other from
9 the video at the Waterfall that night. Nobody who
10 saw them that night saw anything wrong. There was
11 nothing wrong. I mean, like any couples,
12 occasionally they would bicker or disagree. But
13 you will hear zero evidence of any domestic
14 violence in that home whatsoever. John never
15 raised a hand in anger toward Karen and Karen never
16 raised a hand in anger toward John. That's simply
17 wasn't who they are.

18 You will conclude the notion that Karen Read
19 chose the start of a snowstorm to suddenly become
20 violent out of the blue for the first time and
21 intentionally kill her boyfriend by hitting him
22 with her car and leaving him there with a houseful
23 of people inside is patently ridiculous.

24 You will also learn that what's not ridiculous
25 is that someone, not Karen Read, ambushed John

1 O'Keefe. Somebody probably didn't mean to kill him
2 but somebody went too far.

3 You'll learn that Trooper Procter failed to
4 investigate motives that other people had to harm
5 John O'Keefe. You'll learn that Proctor failed to
6 investigate anything or anyone who was in the
7 Albert residence that night. You will learn that
8 he failed to investigate the antagonistic
9 relationship between members of the Albert family
10 and John O'Keefe. You'll learn that apparently
11 nobody investigates the Albert family of Canton.

12 Remember, on day one, Trooper Proctor was
13 asked whether the homeowner, Brian Albert, would
14 catch a lot of grief. And Trooper Proctor,
15 himself, said it. Nope. The homeowner is a Boston
16 cop, too.

17 So, folks, the trial is now about to start,
18 and the witnesses are about to start testifying.
19 On behalf of Karen Read, I ask that you do two
20 things during this trial:

21 First, I ask that you pay attention to all of
22 the evidence. The way trials work, the prosecution
23 gets to present its case first. They conduct their
24 direct examinations first. So we respectfully ask
25 that you wait for us. We will get to cross-examine

1 their witnesses and you will find that cross-
2 examination is the key that unlocks the truth.
3 Wait for us. You'll be glad that you did.

4 Second, I ask that you keep your eye on the
5 ball here. You have one job and one job only to do
6 during this trial. And that job, quite frankly, is
7 not to solve this case. Your only job during this
8 trial is to determine whether the Commonwealth, the
9 prosecution, has proven to you each and every
10 element of the crimes they have charged beyond a
11 reasonable doubt, to a moral certainty.

12 The prosecution will fail to prove this case
13 to a moral certainty. They will fail to prove this
14 case beyond a reasonable doubt. You will
15 reasonably doubt their case because the theory of
16 the case does not make sense. You will reasonably
17 doubt their case because Karen Read was framed, and
18 the evidence shows that, despite the fact that the
19 police never, ever investigated that angle of this
20 case at all.

21 Because the prosecution will not prove their
22 case beyond a reasonable doubt to a moral
23 certainty, we will stand before you again at the
24 end of this trial and ask that you find Karen Read
25 not guilty. Thank you.

1 THE COURT: Thank you, Mr. Yannetti.

2 MS. MC LAUGHLIN: Your Honor, may we approach
3 you at sidebar?

4 THE COURT: Yes. Jurors, when we come to
5 sidebar, please feel free to stand up and stretch.
6 (Whereupon, there was a sidebar conference as
7 follows:)

8 MS. MC LAUGHLIN: Your Honor, the Commonwealth
9 would object to defense counsel's opening.
10 Contrary to rulings of this Court, they opened with
11 suggestions of a third-party culprit. Twice,
12 defense counsel represented that Karen Read was
13 framed and that she was ambushed and that someone
14 else did it. The Commonwealth would like to
15 object, given the ruling of this Court that there
16 would be no third-party culprit claims within the
17 openings.

18 THE COURT: Well, what do you want me to say?
19 Just say openings are not evidence? I remind you
20 openings are not evidence?

21 THE CLERK: Sorry. One of the jurors needs to
22 go to the bathroom.

23 THE COURT: Yes. We are going to take a
24 recess.

25 Jurors, why don't we take a 15-minute recess.

1 (Whereupon, the jury exits the courtroom for a
2 brief recess.)

3 (Whereupon, the sidebar conference continues as
4 follows:)

5 THE COURT: This is probably a good time to
6 continue this.

7 MS. MC LAUGHLIN: Yes. So if you could note
8 the Commonwealth's objection and give a limiting
9 instruction, reminding the jurors that openings are
10 not evidence?

11 THE COURT: Okay. Mr. Yannetti?

12 MR. YANNETTI: So I don't think that I did
13 anything improper. I think that I couched it in
14 terms of the lack of investigation that they did,
15 and I did not name any third-party culprit at all.
16 But I have no objection to the Court's solution.

17 THE COURT: Okay. You did a decent job, but
18 there were a couple of times that you pushed it.
19 All right. I will instruct them when they come
20 back. What I was going to say is we'll take a 15-
21 minute recess.

22 Who is your witness? Do you have more than
23 one for now until 1:00 o'clock or do you have just
24 one?

25 MR. LALLY: Probably just one.

1 THE COURT: Okay. And that is?

2 MR. LALLY: Paul O'Keefe.

3 THE COURT: All right. So we will take a 15-
4 minute recess.

5 MR. LALLY: Thank you.

6 THE COURT: All right. Fifteen.

7 (Whereupon, the sidebar conference concluded and a
8 brief recess was taken.)

9 (Whereupon, the court reporter in session on break
10 premarking exhibits with counsel off the record as
11 follows:)

12 (Whereupon, four photographs were entered and
13 marked Exhibits No. 1 through 4 in Evidence.)

14 (Whereupon, videos on CD were entered and marked
15 Exhibit No. 5 in Evidence.)

16 (Whereupon, videos on CD were entered and marked
17 Exhibit No. 6 in Evidence.)

18 (Whereupon, photographs were entered and marked
19 Exhibits No. 7 through and including 14 in
20 Evidence.)

21 (Court resumes.)

22 (Defendant present. Jury present.)

23 THE COURT OFFICER: Remain standing and face
24 the clerk for me.

25 Whereupon,

PAUL O'KEEFE

having been first duly sworn, was examined and testified under oath as follows:

DIRECT EXAMINATION

BY MR. LALLY:

Q Good afternoon, sir.

A Good afternoon.

Q Could you please state your name and spell your last name for the record?

A Paul O'Keefe, last name, O-'-K-E-E-F-E.

Q And where do you live, sir?

A I live in West Bridgewater, Massachusetts.

Q And how long have you lived there?

A Ten years.

Q And who, if anyone, do you live there with?

A My wife, Erin; and our two children.

Q And how old are your children?

A Thirteen and 10.

Q And both daughters; is that correct?

A Correct.

Q And how long have you and your wife been together?

A Together, 24 years, total, married for 17 almost.

Q And what is your wife's name?

1 A Erin.

2 Q And where did you grow up?

3 A Braintree, Massachusetts.

4 Q And what are your parents' names?

5 A My father is John. My mother is Margaret.

6 Q And did you have any siblings?

7 A Two, yes, a sister, Kristen. Excuse me. And
8 a brother, John.

9 Q And what was sort of the order and age as far
10 as the siblings?

11 A My sister was the oldest. My brother was the
12 middle. I'm the youngest. So my sister was five years
13 older than me and my brother was three and a half years
14 older than me.

15 Q And do you work, sir?

16 A I do.

17 Q What do you do for work?

18 A I'm in sales for a company, Symmons
19 Industries, which is a manufacturer of home products.

20 Q How long have you been doing that?

21 A Twelve years now.

22 Q And does your wife work, as well?

23 A She does.

24 Q What does she do?

25 A She is in marketing. She works for a

1 mechanical contractor, Randolph.

2 Q About how long has she been doing that?

3 A She's been with her company for a year and a
4 half now. Before that, she had a job working out of
5 Boston for about 13 years.

6 Q And your brother, John. Did you call him John
7 or was there like a nickname or anything else that you
8 referred to him?

9 A We all called him Johnny, especially if you
10 were family.

11 Q And what did Johnny do for work?

12 A Boston Police.

13 Q How long was he a member of the Boston Police?

14 A Sixteen years.

15 Q And, within the Boston Police, where
16 specifically did he sort of work?

17 A He started in Hyde Park/Mattapan area, which I
18 believe is E-18, and transferred over to Dorchester,
19 which is C-11, and then downtown Boston in the SORI
20 unit, which is the sex offender registry unit.

21 Q And when was it about that he started with the
22 sex offender registry unit?

23 A So after my sister had passed away in 2013,
24 her husband passed away two months after that, my
25 brother, he took responsibility of raising our niece

1 and nephew. And so the Boston Police, you know, to
2 ensure that he was safe and protected, moved him to
3 that unit in 2014.

4 Q I'm sorry to ask you this, but your sister
5 passed away in 2013; is that correct?

6 A Correct.

7 Q And what did your sister, Kristen, pass away
8 from?

9 A She had an aggressive brain tumor which is
10 called glioblastoma.

11 Q And about how much time was it between the
12 time that she sort of received the diagnosis to her
13 passing?

14 A Five and a half months.

15 Q And you mentioned that you had a brother-in-
16 law, Kristen's husband; is that correct?

17 A Correct. Stephen Furbush. Yes.

18 Q And when was it that he passed in relation to
19 Kristen's death?

20 A Two months later, which was January 12th,
21 2014.

22 Q And they -- and by "they," I mean Kristen
23 Stephen Furbush, they had two children; is that
24 correct?

25 A Yes. Two children, (c) and (c).

1 Q Which one is older?

2 A (c) is the older. (c) is a couple
3 years younger than her, about three years.

4 Q How old are they now?

5 A (c) is 16 and (c) is 13.

6 Q And you mentioned -- so initially when your
7 sister, Kristen, passed away, what was sort of the
8 family's plan as far as (c) and (c) were
9 concerned?

10 A Can you repeat that?

11 Q Sure. So initially when your sister, Kristen,
12 passed away and her husband, Stephen, was still alive,
13 what was sort of the initial plan as far as -- with
14 reference to the children?

15 A We were kind of in scramble mode to figure
16 out, you know, how to move forward. My wife and I
17 talked about having the kids come live with us. We had
18 two small children at the time. (c)

19 (c) We didn't have, you know, a large
20 enough house to take on two other children. So my
21 brother stepped in and moved into the house in Canton
22 and raised them for eight years.

23 Q So around this time of 2013, your sister,
24 Kristen, and her husband, Stephen's, children, about
25 how old were they at this time that Johnny sort of took

1 over --

2 A (c) was six. (c) was three.

3 Q Now, when your brother, Johnny, sort of --
4 what, if any, sort of legal relationship did he have to
5 your niece and nephew, (c) and (c)?

6 A He was made legal guardian.

7 Q And where did he move from and where did he
8 move to when he assumed that role?

9 A So he was living in Dorchester in a condo. He
10 was living by himself. So he pretty much moved into my
11 sister and brother-in-law's house in Canton, lived
12 there for, I want to say, four years until we sold the
13 house and bought a different house which is also
14 located in Canton.

15 Q Now, the initial house that your sister and
16 her husband, Stephen, lived in with (c) and (c),
17 about how long had they been living there before your
18 brother, Johnny, moved in?

19 A They were probably there for five or six
20 years.

21 Q Prior to that, where had your sister, Kristen
22 and either of the children lived prior to moving into
23 that initial house in Canton?

24 Q Yes. So Kristen and Steve actually moved in
25 with Johnny in Dorchester when (c) was just a baby,

1 lived with him for approximately a year before they
2 bought their home in Canton.

3 Q Now, about -- you mentioned that at some point
4 your brother bought a second house in Canton and moved
5 in there with the kids; is that right?

6 A Correct.

7 Q Around what time was that?

8 A I want to say 2017 or 2018 time frame.

9 Q And they lived there up and through sort of
10 January 28, 29th, 2022; is that correct?

11 A Correct.

12 Q Now, around that particular time of January
13 2022, about how often did you see your brother, Johnny,
14 and the kids (c) and (c)?

15 A I would say probably every other week. Twice
16 a month.

17 Q And your brother, in particular, how often
18 would you communicate with him during that time?

19 A Communicate regularly, mostly through text
20 messaging, you know, a couple of days a week, I would
21 say.

22 Q Now, over the course of time, you said about
23 eight years or so, that Johnny had sort of custody of
24 (c) and (c), correct?

25 A Correct.

1 Q And, over that course of time, about how many
2 relationships and -- well, let me phrase this question
3 first.

4 About how many long-term relationships did
5 your brother, Johnny, have with women over the course
6 of that time? And, before you get to that, if I could
7 just ask you what your definition of long-term
8 relationship would be?

9 A Long-term relationship is, you know, over a
10 year.

11 Q And so how many of those types of dating
12 relationships that lasted for at least a year did your
13 brother have during that time that he had the kids?

14 A Two.

15 Q And who were those two individuals?

16 A Amy, Amy Fortney; and Karen Read.

17 Q And this other individual, Amy, when about was
18 it that your brother dated her?

19 A 2016-2017 time frame, I think.

20 Q And did this other woman that he dated named
21 Amy, did she have children of her own?

22 A Yes. She had two sons.

23 Q Now, you mentioned two. So other than Amy,
24 who was the other one?

25 A Her two sons' names are (c) and (c)

1 Q No. I'm sorry.

2 A Oh. I'm sorry.

3 Q In reference to you mentioned two women that
4 your brother had dated for a long-term period, correct?

5 A Yes. That's correct.

6 Q And one of them was the woman, Amy, that you
7 were just speaking about, correct?

8 A Correct.

9 Q And who was the second one?

10 A Karen Read.

11 Q And is Karen Read someone that you had met
12 through the course of your brother dating her?

13 A Yes.

14 Q Okay. And just to be clear for the record, do
15 you see Ms. Read in the courtroom today and can you
16 identify as to where she is seated or an article of
17 clothing that she's wearing?

18 A Yes. She is seated right there between
19 Mr. Yannetti and Mr. Jackson.

20 MR. LALLY: I'd just ask the record to reflect
21 the identification of the defendant by the witness.

22 MR. YANNETTI: No objection.

23 THE COURT: Yes, it may.

24 BY MR. LALLY:

25 Q Now, Mr. O'Keefe, when was it that you first

1 met Karen Read?

2 A I believe it was Mother's Day. So maybe May
3 of 2020.

4 Q Now, prior to that, were you aware of any
5 other time when Ms. Read and your brother, Johnny, had
6 dated in the past?

7 A They dated very briefly in 2004.

8 Q And had you had occasion to meet her during
9 that brief period where they dated in 2004?

10 A I did not meet her back then, no.

11 Q And so the first time you met her would have
12 been sometime in the spring of 2020, correct?

13 A Correct.

14 Q And what was your understanding as far as when
15 they had reconnected or gotten back together in
16 reference to when you met her?

17 A They reconnected. I believe my brother
18 reached out to her in March of 2020, right at the
19 beginning of COVID. I think he reached out to her via
20 Facebook Messenger and then, you know, text.

21 Q And they resumed some kind of relation and you
22 had occasion to meet or see Karen Read over the course
23 of hanging out with your brother at various occasions,
24 correct?

25 A Correct. Yes.

1 Q Now, about how often would you see Ms. Read?
2 Would it be the same, more or less, than when you saw
3 your brother?

4 A Almost the same. Maybe a little less. You
5 know, with my brother, it was just him and I or his
6 friends. But, for the most part, he was with Karen.

7 Q And, as far as your understanding, what was
8 sort of the living arrangements with regard to Ms. Read
9 and your brother?

10 A She has her own home in Mansfield,
11 Massachusetts. She would stay at my brother's house in
12 Canton I would say three, maybe four nights a week.

13 Q And that would be at your brother's house with
14 both he and your niece and nephew, correct?

15 A Correct.

16 Q Now, with regard to you mentioned that they
17 reconnected sometime around the COVID-19 pandemic; is
18 that correct?

19 A That's correct.

20 Q And, with regard to your brother and the
21 defendant, Ms. Read, and the children, what was sort of
22 going on as far as school and work with regard to the
23 pandemic, with regard to each of them, if you know?

24 A So that was a period of time when schools were
25 closed and kids had to do remote learning. So (c) [REDACTED]

1 and (c) were both at home, remote learning. My
2 brother, you know, didn't have a job where he could
3 work from home. So he had to go into the office. Most
4 of the time, Karen would be at home with the kids
5 during the day while she worked remotely.

6 Q Now, you mentioned earlier that your brother
7 had a legal guardianship role with regard to the
8 children, correct?

9 A Correct, yes.

10 Q What, if any, legal status or role did the
11 defendant have with regard to the children?

12 A She didn't have any.

13 Q Now, with regard to your brother and the
14 defendant's relationship, what, if any, conversations
15 did you have with your brother in regard to the status
16 of their relationship or any issues in their
17 relationship?

18 A He didn't say too much. If they were arguing,
19 you know, I mean, give reference that they were
20 arguing. He never really told me what they were
21 arguing about. He mostly kept that stuff to himself.

22 Q What, if anything, did he mention to you as
23 far as reasons for an argument or sort of points of
24 contention?

25 A He didn't like, you know, if she would spend a

1 lot of money on the kids for gifts or, you know -- I
2 know there were some arguments over, you know, what she
3 fed them, whether it's Dunkin' Donuts or whatnot, but
4 things along those lines.

5 Q Now, what, if any, sort of -- what, if any,
6 occasions as far as their arguing or anything like that
7 did you observe personally yourself?

8 A I witnessed -- so they had rented a house down
9 in Cape Cod. I want to say that was the summer of
10 2021. I brought my two daughters down for a couple
11 nights, and I witnessed, you know, one intense fight
12 between the two of them.

13 Q And, as far as a fight as you're
14 characterizing that, was that anything physical or just
15 verbal?

16 A No. That was a verbal argument.

17 Q And what, if anything, was that verbal
18 argument about?

19 A It's hard to recall. I mean, I guess it's
20 like typical couples fighting. There was alcohol that
21 might have been involved. I recall her complaining
22 that, you know, he wasn't nice to her or something to
23 that effect. I was kind of the referee in that entire
24 situation.

25 Q Now, when you make reference of alcohol

1 involvement, was that one or both or --

2 A Both.

3 Q Both your brother and the defendant?

4 A Correct.

5 Q Now, if I could turn your attention to New
6 Year's, and specifically New Year's Eve going from 2021
7 into 2022. Do you recall that time?

8 A I do.

9 Q Do you recall where you and your family were
10 for that sort of New Year's celebration?

11 A Yes. So I was with my wife and her family.
12 We went to Aruba the day after Christmas in celebration
13 of my wife's mother's 70th birthday.

14 Q Hold on one second for the siren to pass by.

15 THE COURT: Mr. Lally, does it make sense that
16 I give an instruction at this point? Let me see
17 counsel at sidebar.

18 MR. LALLY: Yes.

19 (Whereupon, there was a sidebar conference as
20 follows:)

21 THE COURT: I don't know --

22 THE COURT REPORTER: I'm having trouble.

23 MR. LALLY: With regard to this witness, so
24 they were in the room around the same time but they
25 did not see each other.

1 THE COURT: Okay. That's what I thought.

2 MR. LALLY: So the next witness, there is
3 conversation between her, meaning, Mrs. O'Keefe,
4 Mrs. Erin O'Keefe, and the defendant in regard to
5 what happened. With this witness it may well be
6 hearsay.

7 THE COURT: Okay. So no instruction?

8 MR. LALLY: Unless the Court feels it
9 appropriate for the 2021, which I'm find with that,
10 if that's what --

11 THE COURT: I can do that in the final charge.

12 MR. LALLY: Okay.

13 MR. YANNETTI: Just to confirm, if I may
14 address the Court. I'm just making sure. There
15 was some indication on a report that Paul O'Keefe
16 had told the police that he did not go over to
17 Karen and John's place because they were fighting
18 or something like that. That's what you're
19 referring to in terms of when you say you're not
20 seeking to elicit that from him?

21 MR. LALLY: Correct. So he gets that
22 information from his wife, not directly from your
23 client.

24 MR. YANNETTI: Okay.

25 MR. LALLY: But no. I'm not seeking anything

1 about --

2 MR. YANNETTI: Then that's fine.

3 THE COURT: So you don't want me to draw
4 attention to it with an instruction?

5 MR. LALLY: Correct.

6 THE COURT: Okay. Thank you.

7 (Whereupon, the sidebar conference concluded.)

8 THE COURT: Mr. O'Keefe, I'm sorry for the
9 interruption.

10 BY MR. LALLY:

11 Q So during that New Year's you were in Aruba
12 for your wife's mother's seventieth birthday, correct?

13 A Correct.

14 Q And was your brother, Johnny, was he also in
15 Aruba around that same time frame?

16 A Yes.

17 Q Okay. And your resort and your brother's
18 resort, where were they in relation to each other?

19 A They were pretty much on opposite sides of the
20 island.

21 Q And, at any point in time when you were in
22 Aruba, did you see your brother at any point?

23 A Unfortunately, I did not.

24 Q Now, you mentioned that you were there with
25 your wife and your children; is that correct?

1 A Correct.

2 Q And do you know who your brother was in Aruba
3 with around that same time?

4 A He was with Karen Read and he brought the
5 kids. (c) and (c) were with him. They were
6 also with a large group, many other couples and
7 families.

8 Q Do you know who was sort of the primary
9 organizer of that group that your brother was with?

10 A Yes. A friend of ours, Laura Sullivan.

11 Q And how did you know Laura Sullivan?

12 A I knew Laura through my brother. She had
13 dated my brother's partner and one of his best friends,
14 Pat Rogers.

15 Q And did Ms. Sullivan and Mr. Rogers have a
16 child together?

17 A Yes, a little boy.

18 Q And, at some point, did Mr. Rogers pass away?

19 A Yes.

20 Q So what was sort of the relationship between
21 your brother and Ms. Sullivan in relation to
22 Mr. Rogers' child?

23 A Johnny was -- so she has a son, (c) who
24 Johnny is godfather to.

25 Q And sort of towards the end of your stay in

1 Aruba with regard to the pandemic, what, if anything,
2 happens to you or any other member of the family?

3 A So my older daughter tested positive for
4 COVID. So her and I kind of got left behind and stayed
5 for an extra three or four days, I believe.

6 Q So after you returned from Aruba, at some
7 point were you and your brother trying to make plans to
8 connect or to hang out or see each other at some point
9 in January of 2022?

10 A Yes. We were actually planning on getting
11 together on January 29th.

12 Q And do you recall what day of the week that
13 was?

14 A That was a Saturday.

15 Q And why was it Saturday? Why were you sort of
16 targeting Saturday as a meet point?

17 A The weekend, no work. The kids didn't really
18 have much on the schedule.

19 Q By that, you mean your kids as well as your
20 niece and nephew?

21 A Correct. Yes.

22 Q And then what, if anything, occurred with
23 reference to those plans as far as them coming to
24 fruition or not?

25 A A big snowstorm hit the area and, you know, I

1 said, it's probably better if we just stayed home and
2 off the roads. So we kind of cancelled getting
3 together the day before.

4 Q So you initially had a meeting for the 29th
5 but cancelled it the day before on the 28th?

6 A Correct.

7 Q So this snowstorm that you were talking about
8 that was coming in, is that something that you and your
9 brother were aware of prior to that day it happened?

10 A Yes.

11 Q Okay. And that was something you learned of.
12 Where did you learn about that?

13 A The news.

14 Q So sort of all over the news; is that fair to
15 say?

16 A Correct. Yes.

17 Q And, as far as any -- did either you, your
18 children or John's children, for lack of a better term,
19 niece and nephew, were there any sort of planned
20 activities that day that got cancelled because of the
21 weather or not?

22 A On a Saturday, the 29th?

23 Q Yes.

24 A I think everything was pretty much cancelled.
25 I don't know of anything specific. My daughters had

1 basketball on Friday night the night before, but we
2 really didn't have any plans for the children on
3 Saturday.

4 Q Now, turning your attention to that day of the
5 28th, so the day before that, that was a Friday; is
6 that correct?

7 A Yes. Correct.

8 Q Okay. And you mentioned that your daughters
9 had basketball that evening; is that correct?

10 A Correct.

11 Q Okay. And what, if any, role do you have in
12 regard to your daughters' basketball?

13 A I coach both of their teams.

14 Q So you coached two games that Friday night?

15 A Correct.

16 Q And about what time do you know, if you know,
17 did you sort of get home from all of that?

18 A The first game was at six. The second game
19 was at 7:15. So we got home 8:30-ish.

20 Q And your wife was with you at both of your
21 daughters' games?

22 A Correct.

23 Q And, when you got home, the snow that had been
24 predicted, had it started at that point where you were?

25 A I noticed the first flurries sometime between

1 10:30 and 11:00 p.m.

2 Q And, if you know, approximately what time did
3 you go to bed then?

4 A Right around probably midnight.

5 Q And your wife, Erin, did she go to bed at the
6 same time as you?

7 A I think she went to bed a little before me.
8 Yes.

9 Q Now, earlier on that day, on Friday, the 28th,
10 what, if any, conversation by any means did you have
11 with your brother, John?

12 A My last communication with him was on a group
13 text exchange that included myself, Karen Read and my
14 mother. And he was excited because (c) had gotten
15 accepted to Bishop Feehan High School. So he was happy
16 and a proud dad moment. And, you know, (c)'s
17 national math scores came back and he scored extremely
18 high. So he was extremely proud of (c) that day,
19 as well.

20 Q So your brother, John, had sort of sent that
21 to the group which included yourself, your mother and
22 Ms. Read?

23 A Correct.

24 Q And your niece, (c), what grade was she in
25 and what grade was she going into as far as that

1 application?

2 A So he was eighth grade, going into ninth,
3 freshman year in high school.

4 Q Now, you go to bed at some point in the
5 evening of the 28th and you woke up on the 29th. Do
6 you recall what woke you up on that morning?

7 A Yes. My mother called me at 6:40 a.m.

8 Q And is that something typical?

9 A No. She called and just said something
10 happened to your brother. They found him in the snow,
11 and they took him to the hospital.

12 Q And which hospital was it?

13 A Good Samaritan in Brockton, Massachusetts.

14 Q And, at that point, did you -- or what, if
15 any, other sort of information did you have as to what
16 had happened to your brother?

17 A I really didn't know much until I got to the
18 hospital. While I was at the hospital, my cousin works
19 911 dispatch. So she came down because she had heard
20 -- and the only thing I was able to get was that he was
21 cold and they needed to warm him up. But I didn't have
22 much information other than that.

23 Q So you get that information from your cousin
24 when you get to the hospital, correct?

25 A Correct.

1 Q And that cousin, what was her name?

2 A Susanna Hensley.

3 Q If I could take you back to just prior, so you
4 initially get the phone call from your mother, Peggy
5 O'Keefe; is that correct?

6 A Correct.

7 Q And that's about 6:40 in the morning?

8 A Correct.

9 Q Okay. And your wife, Erin, is with you at
10 that time; is that correct?

11 A Correct.

12 Q And so you get that call and sort of what is
13 it that you do or sort of how quickly are you out the
14 door?

15 A I jumped out of bed, got changed, brushed my
16 teeth and I was out the door.

17 Q And you drove from your house to where?

18 A Yes. I drove myself from my house to the
19 hospital, the Good Samaritan Hospital.

20 Q And what kind of car did you have at that
21 point, if you know?

22 A A Toyota Forerunner.

23 Q That is an SUV; is that correct?

24 A An SUV. Yes.

25 Q What color was that?

1 A Black.

2 Q And, as far as the road condition visibility
3 sort of when you're driving from West Bridgewater to
4 Brockton, what, if anything, did you observe as far as
5 how the roads were?

6 A Driving was very poor that morning and just
7 continued to get worse throughout the day. So it took
8 me longer than usual than it typically would to drive
9 that distance.

10 Q Now, as far as your parents were concerned,
11 did they come to the Good Samaritan Hospital, as well?

12 A Yes. Our friend, Kerry Roberts, picked them
13 up in Braintree and brought them to the hospital in
14 Brockton.

15 Q And, when you say your friend, Kerry Roberts,
16 how do you know Kerry Roberts?

17 A So we grew up in Braintree. She grew up in
18 Braintree, as well. She's two years older than me,
19 knew my brother. They actually -- they went to
20 Homecoming together one year, and she also resides in
21 Canton.

22 Q So she was someone who had grown up with you
23 and your brother, was friends with you and also friends
24 with your brother, correct?

25 A Correct.

1 Q Now, as far as your arrival at the Good
2 Samaritan, who arrived first? Was it you, your
3 parents, or something else?

4 A I got there first.

5 Q And about how long was it, if you know,
6 between the time that you got there and the time that
7 your parents arrived there with Ms. Roberts?

8 A Probably about 45 minutes.

9 Q And, when you arrived at the Good Samaritan
10 Medical Center, where within the facility did you sort
11 of go?

12 A Emergency room waiting area/lobby.

13 Q And at some point after your parents arrived,
14 did you move from the waiting room area to somewhere
15 else within the hospital?

16 A So my parents arrived. They brought us, you
17 know, in the double doors into like a little family
18 sitting room.

19 Q And about how long was it that you were in the
20 family sitting room before you went somewhere else?

21 A So we were in that waiting room. A doctor and
22 nurse came in and told us that all their efforts to
23 save my brother were unsuccessful and that he had
24 passed away and then asked if we wanted to go see him
25 and which we said "yes." So we left that room and

1 walked down the hallway to his hospital room.

2 Q And that doctor that you spoke to, do you
3 recall what the doctor's name was?

4 A Dr. Rice.

5 Q And, when you say that we went down to the
6 room where your brother was, was that everyone in the
7 group?

8 A It was myself and my parents. Yes.

9 Q And Ms. Roberts, did she go, as well, or did
10 she stay behind?

11 A No. She stayed out in the waiting area.

12 Q And, as you were making your way down to the
13 room where they had your brother, what, if anything,
14 occurred along the way?

15 A So I noticed Karen Read was there. She was
16 being restrained by hospital employees and she was, you
17 know, screaming out to us, asking if he was alive.

18 Q And is that something that she screamed out
19 once, more than once or something else?

20 A Several times.

21 Q Now, at some point, you went into the room
22 where your brother was, correct?

23 A Correct.

24 Q Can you describe to the jury sort of what you
25 saw as far as your brother was concerned?

1 A I mean, he was pretty banged up. He had --
2 his eyes had swelled up. He had a breathing tube,
3 well, a mask, anyway; blood coming down his nose, blood
4 coming down his mouth. But what really stood out to me
5 was, you know, the eyes. It was almost as if, like,
6 they were ping pong balls under his eyelids, they were
7 that swollen.

8 Q Now, in addition to what you observed as far
9 as his eyes, what, if any, other sort of injuries did
10 you observe on any other part of your brother's body?

11 A I noticed some markings on his arm. I didn't
12 look at his lower torso area at all because he was, you
13 know, covered by a sheet. So mostly injuries that, you
14 know, we observed was to the head area and the face
15 area.

16 Q And, when you say "his arm," do you recall
17 whether that was one arm, both arms or which arm in
18 particular?

19 A He had markings on his right arm. I didn't
20 notice anything on the other side.

21 Q You spent some time private as a family with
22 your brother and at some point you left; is that
23 correct?

24 A Yes. We were, I would estimate, probably in
25 the room with him for probably 20 minutes until we

1 left.

2 Q And, after about that 20 minutes, you come
3 back out to the hallway and where are you going?

4 A We went back to the waiting area, you know,
5 trying to figure out can we leave, should we leave. So
6 yes. We left. My mother drove with me. My father
7 drove with Kerry Roberts. We went from the hospital,
8 the Good Samaritan in Brockton, back to my brother's
9 house in Canton.

10 Q And, if I could just take you back for a
11 moment. So as you exit the room where your brother is
12 and you come back out in the hallway, what, if
13 anything, occurred at that time?

14 A Again, we saw Karen Read being restrained by
15 hospital employees, screaming the same things, is he
16 alive, is he alive, is he alive.

17 Q Did you at any point either before or after
18 respond to any of that screaming that you heard from
19 the defendant?

20 A I actually blew her a kiss.

21 Q Now, as far as your relationship with the
22 defendant, Ms. Read, prior to January 29th, 2022, how
23 would you characterize it?

24 A I thought we had a good relationship. I held
25 her in very high regard. I thought she was a good

1 influence on my niece and nephew. I appreciated all
2 the help that she was proving for my brother with the
3 kids. We would go out together as, you know, couples a
4 couple of times. She became very friendly with my
5 wife. But I'd say, overall, we had a good
6 relationship.

7 Q And, as far as those positive feelings that
8 you had in relation to the defendant prior to January
9 29th, 2022, had you expressed those to either the
10 defendant or any member of her family?

11 A Yes. So Christmas Eve of 2021 was the first
12 time I met her parents. My brother hosted Christmas
13 Eve at his house. I met Mr. and Mrs. Read. I offered
14 to help Mrs. Read carry some things in from her car.
15 And, as we were walking to the car, I said, you know, I
16 just want to tell you I think your daughter is great.
17 I think -- very appreciative of what she's done for the
18 kids in helping my brother.

19 Q Now, turning back to that day of January 29th,
20 you go back out to the waiting area; is that correct?

21 A Yes.

22 Q What, if anything, happened or who, if anyone,
23 did you see or speak to when you got out there?

24 A I saw her father, Bill Read, come into the
25 hospital. He was picking up Karen as we were pretty

1 much exiting the hospital to head back to Canton.

2 Q And did you have any conversation with him?

3 A I did not.

4 Q Now, you indicated that you drove with your
5 mother back to Meadows Ave. where your brother lived;
6 is that correct?

7 A That's correct.

8 Q And Ms. Roberts drove with your father back to
9 the same location; is that correct?

10 A That is correct.

11 Q And as far as your understanding sort of on
12 the drive back, where were the kids? Where were (c)
13 and (c) at that point?

14 A So (c) was picked up by Mike Camerano, who
15 is (c)'s best friend's father. (c) was at a
16 sleepover the night before. So he was still with the
17 family at the house where he slept the night before.

18 Q Now, you mentioned that the drive from your
19 house to West Bridgewater to Brockton was somewhat
20 difficult, correct?

21 A Very difficult.

22 Q How would you characterize the drive from
23 Brockton to your brother's house in Canton?

24 A I mean, at one point, I said to my mother, I
25 don't know if we are going to make it back. You know,

1 visibility was terrible, couldn't see the roads. We
2 made it back. It was just a very difficult -- probably
3 the worst driving conditions I've driven in as far as
4 weather.

5 Q And so then at some point, you in your
6 vehicle, Ms. Roberts in hers and your parents, you
7 arrive at your brother's house in Canton, correct?

8 A That's correct.

9 Q Do you know about what time of day that was?

10 A It was mid-morning. So maybe between 10:00
11 and 11:00 o'clock in the morning.

12 Q And was there anybody present at the house
13 when you arrived there?

14 A No.

15 Q And, at some point, did other people come over
16 as far as -- specifically, I'm asking about the
17 children.

18 A Yes. So (c) was dropped off shortly after
19 we arrived and then a little while after that, (c)
20 was dropped off from a sleepover.

21 Q And, at some point, you were tasked with
22 informing the children what happened to your brother,
23 correct?

24 A Correct.

25 Q At some point after you left the hospital in

1 Brockton, what, if any, conversation or what, if any,
2 phone calls did you receive in relation to the
3 defendant, Ms. Read?

4 A Karen Read called me and asked me if it was
5 okay to come over to see the kids. And I said, sure.

6 Q And do you know about how long that phone call
7 went on for?

8 A It was a quick phone call. Maybe a minute.
9 Like I said, she just asked if she could come over.
10 And I said, sure. She arrived at the house, you know,
11 shortly thereafter.

12 Q When you initially arrived at the house along
13 with your parents and Ms. Roberts in her vehicle, what,
14 if any, other vehicles did you observe sort of in the
15 driveway at that time?

16 A I noticed, I think, my brother's car. I don't
17 even recall seeing any other cars. I mean, there could
18 have been a car in the garage, but I didn't notice,
19 really. Nothing stands out.

20 Q What kind of car did your brother have?

21 A A Chevy Traverse.

22 Q And what color was that, if you know?

23 A Like gray.

24 Q And, if you recall when you first sort of
25 arrived there, where was that vehicle parked in

1 relation to the driveway?

2 A I believe it was the right side of the
3 driveway, all the way down at the end of the drive,
4 like the top of the driveway.

5 Q Okay. Now, you had the phone call with the
6 defendant. You indicated it was fine for her to come
7 over. Do you know about how long it was after
8 receiving that phone call and when Ms. Read arrived
9 there?

10 A Twenty to 30 minutes, maybe.

11 Q And, when she arrived at your brother's house,
12 who, if anyone, was she with?

13 A She was with her father.

14 Q And, at some point, was there anyone else from
15 her family that came over the house that morning, as
16 well?

17 A Her brother and his wife showed up shortly
18 after she arrived with her father, yes.

19 Q And how many cars, if you know, did they come
20 in between sort of the --

21 A They each took separate vehicles. So two cars
22 arrived.

23 Q And Ms. Read's vehicle? Do you know where
24 that vehicle was in relation to your brother's house at
25 that time?

1 A It was either in the driveway or in the
2 garage. I'm not positive.

3 Q So fair to say it was at the house, correct?

4 A It was at the house, yes.

5 Q So between the Read family, there's at least
6 three vehicles at your brother's house now, correct?

7 A Correct.

8 Q Now, the defendant, you mentioned that you had
9 met her father before on Christmas Eve; is that right?

10 A Correct.

11 Q Had you met her brother or brother's wife
12 prior to that day?

13 A No.

14 Q And you were in the house when they arrived;
15 is that correct?

16 A When Karen and her father arrived, I was
17 shoveling the walkway out front.

18 Q And, in total, about how much time was the
19 defendant at your brother's house that morning when she
20 came?

21 A I would probably say about 30 minutes.

22 Q And, at that point when the defendant arrived,
23 was either (c) or (c) or both home at that
24 time?

25 A Yes. They were -- (c) had come home first

1 and then (c) had come home. I think (c) may
2 have come home while they were there.

3 Q And you mentioned when they arrived, you were
4 out shoveling sort of the front walk, correct?

5 A Yes.

6 Q And, when they arrived, did you go in the
7 house with them or did you continue shoveling or
8 something else?

9 A I continued shoveling for a very short period
10 of time and went in the house pretty much right after
11 they did.

12 Q And, when you got in the house, what was it
13 sort of that you were doing at that time?

14 A I mean, we had just told (c) when it
15 happened, and we were waiting for (c) to get home.
16 So we're kind of just congregated in the kitchen.

17 Q When you say "we," who exactly are you talking
18 about?

19 A Sorry. Myself, my mother and my father.

20 Q Was Ms. Roberts still there or had she gone
21 home? If you know.

22 A I don't recall.

23 Q And so in addition to yourself, your mother
24 and your father, Ms. Read, her father, and any other
25 sort of members of her family, where were they within

1 the house at that time?

2 A So mainly the kitchen at first. When (c) [REDACTED]
3 came home, we kind of took him to like the side room
4 where the kids hang out, talked to him in that room.
5 And then we were in the kitchen. Then Ms. Read and her
6 father went upstairs.

7 Q And, when you sat down with (c) [REDACTED] to tell
8 him what had happened to your brother, who, if anyone
9 else, was with you at that point?

10 A Karen Read.

11 Q And, at some point subsequent to that, you
12 went back to the kitchen, correct?

13 A Yes.

14 Q Okay. And where was it that the defendant and
15 her father went?

16 A Upstairs into the bedroom.

17 Q And, if you know, about how long were they in
18 the upstairs area of the house?

19 A I would say 10 to 15 minutes.

20 Q And did you see them as they came down the
21 stairs?

22 A Yes. So I was on the phone a few times. So I
23 didn't watch them walk upstairs. But I saw them come
24 downstairs, you know, turn the corner at the bottom of
25 the stairs. She had some of her belongings that she

1 had taken from the bedroom.

2 Q And where did she go with those belongings?

3 A They left. Like I said, they were probably
4 there for 30 minutes. They got in their cars and drove
5 back to Dighton, Massachusetts.

6 Q And, when you say got back in their cars, you
7 mentioned three cars that had been there in the
8 driveway or in the area of the house, correct?

9 A Correct.

10 Q When the defendant left, how many of those
11 cars remained?

12 A Zero.

13 Q And, as far as the weather conditions that you
14 had mentioned that existed at the time when you drove
15 from the hospital in Brockton to your brother's home in
16 Canton, what, if any, improvement occurred with the
17 weather during that time frame?

18 A None.

19 Q So essentially the same; is that fair to
20 say?

21 A Yeah. The conditions were still poor.

22 Q Now, with respect to Ms. Read's vehicle, did
23 you know what kind of vehicle Ms. Read had?

24 A A Lexus SUV. I don't know the actual model.

25 THE COURT: Mr. Lally, that clock is actually

1 wrong. It's just about 1:00 o'clock. So is this a
2 good place to take a break?

3 MR. LALLY: Perfectly fine, yes.

4 THE COURT: All right. Jurors, it is time for
5 the luncheon break. We will break for an hour. We
6 will be here, ready to go, no later than 2:00
7 o'clock.

8 (Whereupon, the jury is escorted from the courtroom
9 for the luncheon recess.)

10 THE COURT REPORTER: We are back on the record
11 -- please identify yourselves --

12 MS. MC LAUGHLIN: Laura McLaughlin, for the
13 D.A.'s office.

14 MS. LITTLE: Elizabeth Little, for the
15 defendant.

16 THE COURT REPORTER: -- to premark exhibits
17 that are agreed upon.

18 MS. MC LAUGHLIN: Exhibit 15.

19 MS. LITTLE: No objection.

20 MS. MC LAUGHLIN: Exhibit 16.

21 Ms. LITTLE: No objection.

22 MS. MC LAUGHLIN: Exhibit 17.

23 MS. LITTLE: No objection.

24 MS. MC LAUGHLIN: Exhibit 18.

25 MS. LITTLE: No objection.

1 MS. MC LAUGHLIN: Exhibit 19.

2 MS. LITTLE: No objection.

3 MS. MC LAUGHLIN: Exhibit 20.

4 MS. LITTLE: No objection.

5 MS. MC LAUGHLIN: Exhibit 21.

6 MS. LITTLE: No objection.

7 MS. MC LAUGHLIN: Exhibit 22.

8 MS. LITTLE: No objection.

9 MS. MC LAUGHLIN: Exhibit 23.

10 MS. LITTLE: No objection.

11 MS. MC LAUGHLIN: And Exhibit 24.

12 MS. LITTLE: No objection.

13 (Whereupon, photographs were entered and marked
14 Exhibits No. 15 through and including Exhibit
15 No. 24 in Evidence.)

16 THE COURT REPORTER: Exhibits 15 through 24
17 marked.

18 (Whereupon, the luncheon recess is taken.)
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25

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(Court resumes at 2:01 p.m.)

(Defendant present. Jury present.)

THE DEFENDANT: All right, Mr. Lally. Can we have Mr. O'Keefe again, please?

MR. LALLY: Yes.

THE COURT: All right. Whenever you are ready, Mr. Lally.

MR. LALLY: Thank you, Your Honor.

BY MR. LALLY:

Q So, Mr. O'Keefe, when you were testifying before the luncheon recess before, you had indicated that the defendant, Ms. Read, had gone upstairs for some period of time; is that correct?

A Correct.

Q Okay. And that's at your brother's house on Meadows Ave.?

A Correct.

Q And who, if anyone, had she gone upstairs with?

A Her father.

Q And about how long were they upstairs for?

A Ten, 15 minutes.

Q And, as far as -- was there anyone else in the upstairs area of the home with them at the time they

1 were upstairs?

2 A No, not that I'm aware of.

3 Q Now, as far as Ms. Read was concerned, what,
4 if any, conversation did you have with her while she
5 was at the house for that period of 30 minutes or so?

6 A None, really.

7 Q And, as far as any other members of her
8 family, without any reference to what it was, what, if
9 any, sort of substantial conversation -- what, if any,
10 conversations did you have with either her father, her
11 brother or the brother's wife?

12 A Again, none, not really. I didn't really have
13 much interaction with any of them while they were at
14 the house.

15 Q Now, you're obviously familiar with your
16 brother's house on Meadows Ave.; is that correct?

17 A Yes.

18 Q And, as far as the house, itself, what, if
19 any, sort of security did your brother have installed
20 on that house on Meadows Ave.?

21 A He had a Ring doorbell and a Ring
22 camera/floodlight combination above the garage doors,
23 overlooking the driveway.

24 Q And, when you say the doorbell, how many sort
25 of points of -- how many doors or entrances into the

1 house were there?

2 A With cameras, I would say two. I mean, the
3 driveway and then the main front door of the house.

4 MR. LALLY: Your Honor, may I approach the
5 witness?

6 THE COURT: Yes.

7 BY MR. LALLY:

8 Q I show you just three photographs marked as
9 Exhibits 2, 3 and 4. If you could just look at those
10 briefly and look up when you're finished.

11 A (Witness complies.)

12 Q And, generally speaking, sir, do you recognize
13 what's depicted in those three photographs?

14 A Yes. The first --

15 Q Well, before we get to them, just in general,
16 do you recognize those?

17 A Yes.

18 Q Okay. And what do you recognize this -- in
19 general terms, what do you recognize them to be
20 photographs of?

21 A That's my brother's house at One Meadows Ave.
22 in Canton.

23 MR. LALLY: Ms. Gilman, if I could have
24 Exhibit 2 up on the screen. Your Honor, may I
25 approach again?

1 THE COURT: Yes.

2 BY MR. LALLY:

3 Q What I'm going to hand you here is a laser
4 pointer. Basically, just click this button here and
5 point it at whatever you'd like to.

6 A Okay

7 Q And, again, sir, what's up on the screen is
8 Exhibit No. 2. What are we looking at here?

9 A That is my brother's house at One Meadows Ave.
10 in Canton.

11 Q And, as far as the Ring doorbell camera that
12 you were referring to, is that something that's visible
13 in this photograph?

14 A Not in that photograph, no.

15 Q And so typically when you would come over to
16 your brother's house, what would be sort of the general
17 point or door that you would use to go inside the
18 house?

19 A So either the garage door or there is a side
20 door right behind that bush.

21 Q So behind that bush is there any sort of like
22 walkway or anything like that over there?

23 A Yes. There was a walkway that leads up to a
24 couple of steps and then to the entryway.

25 Q And is that where the Ring doorbell would have

1 been located, labeled as sort of the front door?

2 A Yes.

3 Q The garage area with the driveway that you
4 were referencing in relation to this photograph, it's
5 not depicted in this photograph; is that fair to say?

6 A Correct.

7 Q So which sort of -- with relation to this
8 photograph, understanding that it's not depicted in it,
9 where would that be?

10 A The driveway would be to the right side of the
11 house as we are viewing it from here.

12 Q And if I could turn your attention to the next
13 Exhibit No. 3. And, Ms. Gilman, if I could have that?

14 And what's up on the screen, is that what you
15 have before you as Exhibit No. 3?

16 A Correct.

17 Q And whereabouts in relation to the house?
18 What are we looking at here?

19 A So that would be the driveway, right side of
20 the house, two garage doors, the upstairs window, and
21 the Ring camera/floodlight combination.

22 Q Now, with respect to the garage, was there a
23 particular way that your brother would have kept sort
24 of the garage area?

25 A Yeah. He had -- on the left side, he had a

1 1971 Ford LTD parked over on that side. And he would
2 typically park his car on the right side.

3 Q The car that you were talking about before,
4 that being the Chevy Traverse; is that correct?

5 A Correct.

6 Q And so the floodlight combination with the
7 camera, you see that in this photograph; is that
8 correct?

9 A Yes.

10 Q If you could, just using the laser pointer,
11 direct the jury's attention to that.

12 A Right under the window.

13 Q Thank you, sir.

14 And, as far as the particular Ring cameras
15 between the driveway/garage one and the front door,
16 that sort of side entryway there, who, if anyone, as
17 far as you knew, had access to those particular cameras
18 or how would they be accessed?

19 A Most likely through the Ring app on their cell
20 phone. I believe the only ones who had access to it
21 was my brother and Karen Read.

22 Q And, as far as your brother --

23 MR. YANNETTI: Objection. Move to strike.

24 THE COURT: All right. I'll strike that. So
25 you can lay a foundation.

1 MR. LALLY: Sure.

2 BY MR. LALLY:

3 Q As far as your brother was concerned, what, if
4 anything, would he do with reference to those Ring
5 cameras and his app on his phone when people arrive at
6 his house?

7 A I mean, a few times he'd talk to me through a
8 speaker. You know, if I pulled up to the house and he
9 wasn't home, he would speak to me on it. But I'm not
10 sure if I followed the entire question.

11 Q And that's -- so there were points where you
12 would come to the house, correct, and he wasn't there?

13 A Yes.

14 Q And he would sort of talk to you through the
15 Ring application; is that fair to say?

16 A Yes.

17 Q Okay. Now, as far as Ms. Read was concerned,
18 when you say you believe she had access to it, what
19 leads you to believe that?

20 A I believe the kids had mentioned it before,
21 (c) and (c), mostly (c).

22 MR. YANNETTI: Objection. Move to strike.

23 THE COURT: All right. I'm going to strike
24 that.

25 BY MR. LALLY:

1 Q Now, if I could draw your attention to the
2 next exhibit before you, Exhibit No. 4. And, again,
3 sir, what's up on the screen, is that what you have
4 before you as Exhibit 4?

5 A Correct.

6 Q And, if you could, describe for the jury sort
7 of what part of the house we are looking at here and
8 what, if anything, in relation to the Ring did you
9 observe there?

10 A That is also the driveway from a different
11 view. I'll call it the top of the driveway, looking
12 down onto the street. In this picture here, the Ring
13 camera or the floodlight Ring is not visible.

14 Q And the walkway that you were talking about
15 that was behind the bush, do you see that in this
16 photograph?

17 A Yes.

18 Q Okay. If you could direct the jury's
19 attention to where that is?

20 A (Indicating.)

21 Q So if you follow that walkway sort of around
22 to the bush, where does that lead you?

23 A Right to the breezeway door.

24 Q Thank you.

25 MR. LALLY: If I may approach just to

1 retrieve, Your Honor?

2 THE COURT: Yes.

3 BY MR. LALLY:

4 Q Now, Mr. O'Keefe, the ring camera that we are
5 talking about, have you seen those on like a disk form;
6 is that correct?

7 A Have I seen them on a disk form? I'm not sure
8 if I follow that question.

9 Q Sure. Have you viewed any Ring camera footage
10 from either the front door or the driveway to your
11 brother's house?

12 A No. I didn't have access.

13 MR. LALLY: Your Honor, may we approach?

14 THE COURT: Yes. Counsel?

15 (Whereupon, there was a sidebar conference as
16 follows:)

17 MR. LALLY: So they are not marked as exhibits
18 yet but what I'd like to do is show this witness
19 some video from the Ring, whether she's on the Ring
20 footage or it comes from that day. So I am just --

21 THE COURT: Is this going to be an agreed-upon
22 exhibit? Is this going to be an agreed-upon
23 exhibit?

24 MR. LALLY: I believe so, but I --

25 MR. JACKSON: Just explain which one it is,

1 which Ring video it is.

2 MR. LALLY: Probably the -- I think there was
3 one when he arrives back at the house from the
4 hospital, along with his friends and Ms. Roberts
5 and then there is when Ms. Read arrives with her
6 father and then basically just to identify who
7 these people are in these videos.

8 And then there's a couple just in reference to
9 sort of snow removal from the driveway and when
10 that occurred.

11 MR. YANNETTI: We have no objection to that.

12 THE COURT: That's fine. So let's mark it as
13 an exhibit.

14 MR. YANNETTI: That's fine.

15 THE COURT: Okay.

16 (Whereupon, the sidebar is concluded.)

17 THE COURT: Do you have something to mark as
18 an exhibit?

19 MR. LALLY: Yes, Your Honor. So there are two
20 disks, one labeled "Meadows Ave. Ring videos" --

21 THE COURT: So they've already been marked?

22 MR. LALLY: They've already been marked.

23 THE COURT: All right. So the next -- go
24 right ahead. Let us know if you want the lights
25 dimmed or not, Mr. Lally.

1 MR. LALLY: Yes, please.

2 THE COURT: Do you want that now?

3 MR. LALLY: Yes.

4 THE COURT: If you would, please. Thank you.

5 MR. LALLY: So, Ms. Gilman, if I could have,
6 from what's been marked as Exhibit 6, the driveway
7 camera. If I could have Video No. 161. And, if
8 you could, just pause that just for a moment.

9 BY MR. LALLY:

10 Q Now, Mr. O'Keefe, what's up on the screen
11 there, do you generally recognize what is depicted
12 there?

13 A It looks like Karen Read's vehicle, my
14 brother's vehicle and it looks like another SUV behind
15 it.

16 Q If you could, just using the laser pointer
17 before you, if you could just direct the jury's
18 attention to which vehicle you're talking about when
19 you -- so starting with Ms. Read's vehicle, where is it
20 in this vehicle that you observed that?

21 A I believe it's that one right there.

22 Q And your brother's vehicle?

23 A Is back there.

24 Q And the vehicle you're referring to as your
25 vehicle, where is that?

1 A (Indicating.)

2 Q If you know, when about is this video
3 depicting in relation to what you've described as the
4 events of January 29th?

5 A I mean, that would be in the morning, coming
6 back from the hospital that morning.

7 Q And, as far as the people within this video,
8 do you recognize any of the people within the video?

9 A That would be myself. I believe that behind
10 me is -- it could be Kerry Roberts, because I believe
11 that's Kerry Roberts' car. She drove my father back
12 from the hospital to One Meadows.

13 MR. LALLY: And, Ms. Gilman, if you could,
14 just run the video from there.

15 (Whereupon, the video was played.)

16 THE WITNESS: That's my mother.

17 MR. LALLY: Thank you. Ms. Gilman, from the
18 same exhibit, if I could have the video marked 165?
19 Again, Ms. Gilman, if you could just pause that
20 briefly.

21 BY MR. LALLY:

22 Q Now, with respect to this video, do you
23 recognize the vehicle that just pulled into the
24 driveway here?

25 A That looks like Karen Read in the photo, in

1 the video. I assume that's her father's car.

2 Q So this would have been the time that Ms. Read
3 and the defendant arrived with her family from the
4 hospital, as well?

5 A Correct.

6 MR. LALLY: And, Ms. Gilman, if you could just
7 run that through.

8 (Whereupon, the video was played.)

9 MR. LALLY: Thank you. If I could ask for the
10 next labeled video from Exhibit 6, No. 166.

11 Ms. Gillman, if I could ask you to pause there
12 just briefly.

13 BY MR. LALLY:

14 Q Now, Mr. O'Keefe, with the last video with the
15 two individuals sort of walking over to the house, do
16 you recognize who those were?

17 A They appear to be Karen Read and her father.

18 Q And the individual who just got out of the
19 same vehicle, do you recognize that person?

20 A That appears to be Karen Read's brother,
21 Nathan.

22 Q And, again, this particular day, January 29th,
23 at your brother's house, that's the first time that you
24 met him; is that correct?

25 A Correct.

1 MR. LALLY: And, Ms. Gillman, if you could,
2 just play this one to the end, as well.

3 (Whereupon, the video was played.)

4 MR. LALLY: Thank you. Ms. Gillman, from the
5 same Exhibit No. 6, if I could have Video 169?

6 If you could pause it just there for a moment,
7 please.

8 BY MR. LALLY:

9 Q Now, as far as you mentioned earlier in your
10 testimony that after Ms. Read arrived at the house that
11 your nephew, (c), came home, as well?

12 A Correct.

13 Q And do you see your nephew, (c), in this
14 video up on the screen now?

15 A Yes.

16 Q So this would depict when he got dropped off,
17 essentially?

18 A Correct.

19 MR. LALLY: Ms. Gilman, if you could, just run
20 that through, as well.

21 (Whereupon, the video was played.)

22 MR. LALLY: Ms. Gilman, from the same Exhibit
23 6, if I could have No. 176? Pause that right
24 there, please.

25 BY MR. LALLY:

1 Q Now, from this video, you referenced earlier
2 in your testimony Ms. Read had gathered some belongings
3 and then had left with all of the vehicles that her
4 family came in, correct?

5 A Correct.

6 Q And do you recognize anyone depicted in this
7 Video No. 176?

8 A That's Karen Read.

9 Q And what, if anything, do you observe in this
10 video of her to have in her hand at that time?

11 A It looks like some type of a bag.

12 MR. LALLY: And, Ms. Gilman, if you could,
13 just play this one through.

14 (Whereupon, the video was played.)

15 MR. LALLY: Thank you. Now, Ms. Gilman, if I
16 could have from the same Exhibit 6 No. 178. If I
17 could ask you to just pause it right there.

18 BY MR. LALLY:

19 Q Now, Mr. O'Keefe, you were at your brother's
20 house on Meadows Ave. for a majority of that day,
21 correct?

22 A Yes.

23 Q About how long were you there? Into the
24 evening?

25 A Yes.

1 Q And, at some point, were attempts made in and
2 around your brother's house, the driveway, the walkway,
3 things of that nature, as far as snow removal was
4 concerned?

5 A At one point, other than me shoveling,
6 (c) 's friend's father came with a snow blower.

7 Q So initially it was you, shoveling. What, if
8 anything, was your father doing while you were
9 shoveling, as well?

10 A It was just me shoveling.

11 Q Just you shoveling. Okay.

12 And do you recognize what's depicted up in
13 this video as far as any individuals in this video?

14 A I believe that is me standing there with a
15 shovel.

16 MR. LALLY: And, Ms. Gilman, if you could just
17 play this?

18 (Whereupon, the video was played.)

19 MR. LALLY: Ms. Gilman, from that same Exhibit
20 6, could I have Video No. 185? Ms. Gilman, if you
21 could just pause it right there?

22 BY MR. LALLY:

23 Q Now, in reference to the snow blower coming
24 out or sort of the father of (c) 's friends, do you
25 recognize anybody in this video here?

1 A I'm assuming that's the father of (c) 's
2 friend, but I'm not sure.

3 Q So fair to say this was later in the day after
4 you were out there, shoveling, and after the defendant
5 had left the house; is that correct?

6 A Yes.

7 Q Okay. And with regard to that particular day
8 of January 29th, do you recall any law enforcement,
9 whether they be Canton P.D. or state police, coming to
10 the house while you were there that day?

11 A Not on the 29th, no.

12 Q And, during the course of clearing sort of the
13 driveway out as far as snow or ice, what, if anything,
14 did you observe as far as beyond just sort of snow and
15 ice? Were there any sort of other items within the
16 driveway that you recall seeing or --

17 A Not that I'm aware of, no.

18 MR. LALLY: And, Ms. Gilman, if you could just
19 play this video through.

20 (Whereupon, the video was played.)

21 MR. LALLY: And lastly from this exhibit,
22 Ms. Gilman, if you could from Exhibit 6 pull up
23 Video No. 239?

24 BY MR. LALLY:

25 Q Mr. O'Keefe, what's up on the screen right

1 now, is that essentially what the driveway looked like
2 at the end of sort of the snow blowing and the
3 shoveling and snow removal that day?

4 A Yes.

5 Q And that vehicle towards the top, that's your
6 vehicle; is that correct?

7 A Yes.

8 Q And this was around the time that you would
9 have been leaving your brother's house on January 29th?

10 A Yes.

11 MR. LALLY: Mr. Court Officer, we can have the
12 lights back up. Thank you.

13 May I approach the witness, Your Honor?

14 THE COURT: Yes.

15 BY MR. LALLY:

16 Q I'm showing what's been marked as Exhibit
17 No. 1. Do you recognize that?

18 A Yes.

19 MR. LALLY: Ms. Gilman, if I could have
20 Exhibit 1 up on the screen? And, Ms. Gilman, if
21 you could just enlarge that a little? Thank you
22 very much.

23 BY MR. LALLY:

24 Q Now, what's up on the screen, Mr. O'Keefe, is
25 that what you have before you as Exhibit No. 2?

1 A Yes.

2 Q And what are we looking at in this exhibit,
3 sir?

4 A That's my brother.

5 Q And, as far as your earlier testimony in
6 regard to the vehicle that he kept sort of on the left
7 side of the garage, what, if anything do you recognize?

8 A It's depicted in the picture. It's a
9 convertible 1971 Ford LTD.

10 Q And, with reference to that vehicle, how did
11 your brother feel about that vehicle?

12 A He enjoyed it. He thought it was fun driving
13 around, you know, in a convertible. My nephew,
14 (c), enjoyed, you know, being driven to baseball
15 games and whatnot.

16 Q And your niece, (c)? How did she feel
17 about it?

18 A She did not like it. She still doesn't.

19 MR. LALLY: May I approach just to retrieve,
20 Your Honor?

21 THE COURT: Yes.

22 MR. LALLY: I have nothing further.

23 MR. YANNETTI: Mr. O'Keefe, sir, I have no
24 questions for you.

25 THE COURT: All right. Mr. O'Keefe, you are

1 all set, sir.

2 THE WITNESS: Thank you.

3 (Whereupon, the witness is excused.)

4 MR. LALLY: Your Honor, the Commonwealth would
5 call Mrs. Erin O'Keefe to the stand.

6 Whereupon,

7 ERIN O'KEEFE

8 having been first duly sworn, was examined and
9 testified under oath as follows:

10 THE COURT: Whenever you are ready, Mr. Lally.

11 MR. LALLY: Thank you.

12 DIRECT EXAMINATION

13 BY MR. LALLY:

14 Q Good afternoon, ma'am.

15 A Good afternoon.

16 Q Could you please state your name and spell
17 your last name for the record?

18 A Sure. It's Erin O'Keefe, O-K-E-E-F-E.

19 Q And where is it that you live, ma'am?

20 A West Bridgewater.

21 Q Who, if anyone, do you live there with?

22 A I live with my husband, Paul, and our two
23 girls.

24 Q And how long have you lived there in West
25 Bridgewater?

1 A It will believe 10 years this year.

2 Q And your girls, how old are your girls?

3 A Now, 13 and 10.

4 Q And what is your husband's name?

5 A Paul.

6 Q And how long have you and Paul been together?

7 How long have you been married?

8 A It will be 24 years this year and 17 years
9 married this year.

10 Q And do you work, ma'am?

11 A I do.

12 Q And what do you do for work?

13 A Currently, I'm at a -- I switched jobs.

14 Currently, I work for a mechanical contractor.

15 Q And just sort of in general terms, what type
16 of work is it that you do?

17 A I'm their marketing director.

18 Q And you said you switched jobs. So how long
19 have you been doing this sort of new job?

20 A I'll be there two years in October.

21 Q And your husband, Paul, how did the two of you
22 meet?

23 A I was his waitress in a bar when he was in
24 college.

25 Q And, as far as your husband, Paul, is

1 concerned, his parents, what are their names?

2 A John and Margaret.

3 Q And your husband, Paul, did he have any
4 siblings?

5 A Two. An older sister and an older brother,
6 John and Kristen.

7 Q And, of the three, John, Kristen and Paul, who
8 was the oldest, who was the youngest, and what is sort
9 of the age difference between the three of them?

10 A Kristen was the oldest. Johnny was next and
11 Paul being the youngest. And Paul is, what, three
12 years younger than Johnny, four.

13 Q And your sister-in-law, Kristen, she was the
14 oldest, correct?

15 A Uh-huh.

16 Q Was she married at some point?

17 A Yes. Her husband, Steve.

18 Q And do you recall about when it was that your
19 sister-in-law, Kristen, and Steve got married?

20 A They got married in 2006.

21 Q And your sister-in-law, Kristen, and her
22 husband, Steve, did they have any children?

23 A They did. (c) and (c).

24 Q And (c) and (c), about how old are they
25 now?

1 A (c) is 16 now and (c) is 13 now.

2 Q Now, at some point, did -- their last name was
3 Furbush, correct?

4 A Correct.

5 Q And, at some point, did your sister-in-law,
6 Kristen; her husband, Stephen; and their children move
7 to the town of Canton?

8 A They did.

9 Q About what time or what year was that, if you
10 know?

11 A 2009-2010, I believe.

12 Q And, if you know, where had they been living
13 previously before they moved to Canton?

14 A They were renting out their townhouse in
15 Abington. So they were living in Dorchester with
16 Johnny.

17 Q And, if you know, at the time they were living
18 with Johnny, were both (c) and (c) born yet?

19 A Just (c).

20 Q Just (c). So fair to say she was
21 relatively young at that point?

22 A Yes.

23 Q Now, at some point, your sister-in-law,
24 Kristen, got sick, correct?

25 A Correct.

1 Q And do you recall when about that was that you
2 learned of that?

3 A It was June 2013, beginning of June.

4 Q And do you recall what she was sick from and
5 what the diagnosis was?

6 A She was diagnosed with glioblastoma.

7 Q And, at some point subsequent to that, she
8 passed; is that correct?

9 A Correct, six months later.

10 Q So sometime in the fall or November of 2013?

11 A November 11th, 2013.

12 Q Now, at that point in November of 2013, as far
13 as you and the rest of your family was concerned, what
14 was sort of the plan or the expectation as far as what
15 was going to happen with the children, (c) and
16 (c)?

17 A I know that my in-laws were helping while
18 Steve was still here. Steve passed away a few months
19 later, but my in-laws were helping Steve kind of get
20 acclimated.

21 Q And what, if any, role did your brother-in-law
22 -- you called him Johnny; is that correct?

23 A Yes.

24 Q So what, if any, role did your brother-in-law,
25 Johnny, have with respect to the kids during this time?

1 A He was very involved because he was very
2 involved when my sister-in-law was sick. I think he
3 was out on -- he had hurt his hand or something when he
4 was working out on the -- when he was out on the
5 streets, I guess. And so he was on disability and was
6 helping and going to the hospital all the time and
7 being with Kristen.

8 Q And you mentioned he was out on disability and
9 that he was working. What was it that your brother-in-
10 law, Johnny O'Keefe, what did he do for work?

11 A He was a police officer in Boston.

12 Q Now, you mentioned that shortly after your
13 sister-in-law, Kristen, passed away, her husband,
14 Stephen, also passed away; is that correct?

15 A Correct.

16 Q And so what, if anything, sort of became the
17 plan or what happened with respect to your niece and
18 nephew following their father's death?

19 A Paul and Johnny went out to lunch one day, and
20 we had kind of assumed because Johnny was out, you
21 know, on the streets doing his job like that, that Paul
22 and I would take the kids. And Johnny said that he was
23 going to do it.

24 Q So he sort of volunteered or stepped up to do
25 it, correct?

1 A Correct.

2 Q And, pursuant to that, where did Johnny go to
3 live? Where did the kids live when he did that?

4 A Johnny moved into their house in Canton, the
5 original house that Steve and Kristen had bought. He
6 moved in with the kids there.

7 Q And about how long was it that Johnny lived
8 there with the kids once he sort of assumed that role?

9 A Maybe four years, four or five years. I don't
10 remember the exact year that he bought the new house.

11 Q And so they lived there for four or five
12 years, and then you mentioned that he bought a new
13 house. Where was the new house that he bought?

14 A The new house is the house now on Meadows Ave.
15 in Canton.

16 Q And so from whatever time Johnny bought that
17 house, he lived there basically with the kids, (c) [REDACTED]
18 and (c) [REDACTED], until he passed away, as well, correct?

19 A Correct.

20 Q And, with respect to your niece and nephew,
21 what, if any, sort of legal relationship did Johnny
22 have with respect to the kids, (c) [REDACTED] and (c) [REDACTED]?

23 A He became their guardian.

24 Q During the time that -- from the time that
25 your brother-in-law, Johnny, sort of took over that

1 guardianship with respect to your niece and your
2 nephew, as far as dating was concerned, what, if any,
3 sort of long-term relationships did he have during that
4 period? And, before you answer that, if I could just
5 ask you for your definition as far as what do you deem
6 or term as far as a long-term relationship?

7 A One, two years, I guess, as a start. Two
8 years.

9 Q So during that time after he assumed sort of
10 guardianship of the kids, about how many of those
11 relationships, one or two years or so, did Johnny have
12 during that time?

13 A Two.

14 Q And what were the names of the people that he
15 had those relationship with?

16 A The first was Amy and then Karen.

17 Q Just to be clear, by "Amy," that was -- do you
18 know where she lived, what town?

19 A She resides in Westwood.

20 Q And she had children of her own; is that
21 correct?

22 A Yes.

23 Q And the second that you mentioned was Karen;
24 is that correct?

25 A Correct.

1 Q What is Karen's last name?

2 A Read.

3 Q Just for clarity purposes, do you see the
4 person you knew, Karen Read, correct?

5 A Yes.

6 Q So for clarity purposes for the record, do you
7 see Karen Read in the courtroom?

8 A I do.

9 Q Could you just identify as to where she is
10 seated or an article of clothing she is wearing?

11 A Black or blue blazer.

12 MR. LALLY: Your Honor, I would just ask the
13 record reflect the identification of the defendant
14 by the witness.

15 THE COURT: Yes.

16 BY MR. LALLY:

17 Q Now, with regard to Ms. Read as far as her
18 relationship with regard to your niece and nephew,
19 what, if any, sort of legal relationship did she have
20 with regard to either your niece or nephew or to your
21 brother-in-law, Johnny O'Keefe?

22 A Legal, none.

23 Q Now, as far as over the course of -- well,
24 when was the first time that you recall meeting the
25 defendant, Ms. Read?

1 A I believe it was in June of 2020 during COVID.

2 Q Based on sort of your understanding, when was
3 that in relation to when they began sort of their
4 relationship?

5 A I think it was in February or March of that
6 same year.

7 Q So right around the time that the pandemic
8 caused a sort of general shutdown, correct?

9 A I think so, yes.

10 Q Now, as far as you were aware, did you know of
11 any sort of pre-existing relationship or any time that
12 they had dated in the past, prior to that
13 February/March of 2020?

14 A I learned that after the fact.

15 Q Okay. So fair to say during any sort of
16 previous time that they may or may not have dated, you
17 hadn't met Ms. Read, you weren't aware of her?

18 A Correct. I had not met her.

19 Q Do you recall where you were or what the
20 circumstances were the first time that you met the
21 defendant?

22 A I believe we were all coming to our house. It
23 was either -- it may have been a birthday party or
24 Father's Day. But we were out on the patio. I think
25 it was June.

1 Q So John O'Keefe, Ms. Read, as well as the
2 children, came over to your house for some kind of
3 holiday or something like that?

4 A Correct.

5 Q Now, from that time, sort of going forward,
6 how would you describe sort of your relationship with
7 the defendant, Ms. Read?

8 A I liked her a lot.

9 Q And, as far as prior to January 29th of 2022,
10 would you consider yourself or characterize your
11 relationship as friends?

12 A I would.

13 Q And about how often sort of from that time
14 of when you first met her in June of 2020 through
15 January, the end of January 2022, how often would you
16 see sort of your niece, your nephew, Mr. O'Keefe and/or
17 Ms. Read?

18 A One, two times a month. It was COVID. So
19 when we could be outside or all get together or if
20 there was a birthday.

21 Q And were there any occasions where you would
22 have occasion to spend time with or hang out with the
23 defendant outside of either your husband or your
24 brother-in-law, Johnny O'Keefe?

25 A Yes, and we talked quite often.

1 Q And, just in regard to sort of in person,
2 about how many times was that?

3 A Without them, I don't recall.

4 Q Now, as far as your understanding of sort of
5 the living arrangement around it, how often -- what was
6 your understanding as far as the relationship and sort
7 of where everybody lived or where everybody stayed or
8 how often, things like that.

9 A I believe that Karen was there most times. I
10 do know that she liked to go home on Mondays just to
11 kind of have a fresh time by herself. And Thursdays
12 she was teaching an online class. So she would be home
13 on Thursdays, as well. But, for the majority of time,
14 I believe she was over there.

15 Q Now, just to be clear, when you say "over
16 there," do you mean the house on Meadows?

17 A Correct.

18 Q Okay. And, when you say she was home, where
19 else did she have a home during that time?

20 A In Mansfield.

21 Q And had you had occasion to be over her house
22 in Mansfield at any point in time that you were
23 friends?

24 A I had gone over once, yes.

25 Q Now, with respect to their relationship, what,

1 if anything, were you aware of as far as fights,
2 arguments, issues, anything like that?

3 A I think normal relationship, you know. The
4 stuff everyone goes through.

5 Q If I could ask you to just, if you could,
6 expound upon that a little as far as when you say
7 normal relationship stuff, what exactly do you mean?

8 A I know that, you know, my in-laws being there
9 often could be stressful and, you know, two people with
10 kids in life, normal, everyday relationship.

11 Q Now, during this time frame you were living in
12 West Bridgewater still; is that correct?

13 A Correct.

14 Q And where were you? Like what town were you
15 working in at that point?

16 A At that time, I was working in Brighton.

17 Q So fair to say a relatively long commute
18 between Brighton and West Bridgewater on a daily basis?

19 A Correct.

20 Q And so during that sort of long commute, what,
21 if anything, would you do with reference to the
22 defendant or who, if anyone, would you typically talk
23 to on those long commutes?

24 A I would text her or call her and say, hey, I'm
25 driving. Or she would call me and we would just shoot

1 the breeze and just talk.

2 Q Was that something -- how often would you do
3 that?

4 A Quite often.

5 Q Now, as far as your relationship with the
6 defendant, Ms. Read, you considered yourself friends
7 or friendly; is that correct?

8 A Correct.

9 Q And is that something that you communicated to
10 her or she communicated to you in any way?

11 A Yeah. Yeah. We would say how well we got
12 along. She would say if they ever broke up, she hoped
13 that she and I would stay friends.

14 Q Now, Mrs. O'Keefe, if I could turn your
15 attention to January 28th, 2022 into January 29th,
16 2022. Actually, first, let me bring you back a little
17 bit further.

18 So New Year's Eve going from 2021 into 2022,
19 do you recall that time frame?

20 A I do.

21 Q Okay. And do you recall where you were or who
22 you were with around that time of New Year's?

23 A We were in Aruba for my mother's birthday.

24 Q And, when you say "we," who, if anyone, were
25 you in Aruba with?

1 A My mother, father, sister, husband and our two
2 girls.

3 Q And, over the course of that, were you also
4 aware of where your brother-in-law, Johnny O'Keefe, and
5 Ms. Read and the children, (c) and (c), were at
6 that time, as well?

7 A They were also in Aruba.

8 Q And so where they were situated in Aruba,
9 where was that in relation to where you were situated
10 in Aruba?

11 A We weren't close. You'd need a cab. It was
12 not the other side of the island but far enough away
13 you'd need to catch a cab. They were more downtown.

14 Q And what, if anything, did you know about sort
15 of who they were with or how they had come to be there
16 in Aruba at the time?

17 A They were with a large group of people. I
18 don't know how many. But there was a large group of
19 people that was going down.

20 Q And, as far as you knew, was there any one
21 person in particular that organized sort of that trip?

22 A Yes. Laura Sullivan.

23 Q And do you know Laura Sullivan?

24 A I do.

25 Q And how do you know Laura Sullivan?

1 A I know Laura through Johnny. He's her son's
2 godfather.

3 Q And is it fair to say that as far as you knew
4 that Mr. O'Keefe, Johnny O'Keefe, and Laura Sullivan
5 had known each other for some time?

6 A Correct.

7 Q Now, at any point when you were in Aruba
8 around the time of New Year's, did you ever meet up
9 with or connect with Ms. Read and Johnny O'Keefe?

10 A We did not.

11 Q Now, at some point in time when you were in
12 Aruba during that same time frame, what, if any,
13 conversation did you have with Ms. Read, the defendant?

14 A I don't believe any with Johnny. Karen texted
15 me on the flight down. The flight attendants were
16 Karen and Erin, and we were trying to arrange and see
17 if there was a time we could get together.

18 Q So the flight attendants on their flight down
19 had the same names as both yourself and Ms. Read?

20 A Yeah. She texted me and said that.

21 Q And so you had been trying to arrange some
22 time or some day to sort of meet up; is that correct?

23 A I don't know. I don't recall. I had texted
24 her on New Year's Eve to see where they were.

25 Q And what, if anything, did she reply? Did she

1 reply in text?

2 A She did. It wasn't until later in the evening
3 that she had caught Johnny kissing Laura's sister in
4 the lobby of the hotel.

5 Q And what, if anything further, did she
6 indicate to you in regard to that?

7 A Just that they got into an argument about it.

8 Q And so did the two of you -- and I mean sort
9 of the two groups of families -- did you ever connect
10 or meet up at any point when you were in Aruba?

11 A We did not.

12 Q Did you have any further conversation with
13 Ms. Read in reference to what she had indicated
14 occurred at their resort?

15 A I responded and said, like, kissing? And I
16 don't recall what her response was. But I had missed
17 the next text. She had said did I want to meet up.
18 She had freshened up and did I want to meet up. But I
19 had missed it and was either already going to bed or
20 just missed it until the next day.

21 Q So she had indicated to you via text that they
22 had got into an argument and then further indicated or
23 asked you if you wanted to meet up, correct?

24 A Correct.

25 THE COURT: Mr. Lally, I'm just going to give

1 a limiting instruction at this point.

2 MR. LALLY: Absolutely.

3 THE COURT: Excuse me.

4 So, folks, you just heard testimony about
5 statements that were allegedly made by the
6 defendant. You're really not to use the
7 statements for the truth, but you can consider them
8 solely on the limited purpose of the defendant's
9 state of mind and as they go to the nature of the
10 relationship between the defendant and John
11 O'Keefe. Thank you.

12 BY MR. LALLY:

13 Q Now, between that time in Aruba and January
14 28th of 2022, had you had occasion to meet up with
15 Johnny O'Keefe and/or the defendant, Karen Read or the
16 kids or anybody from that Canton house?

17 A No. Our older daughter tested positive and
18 she and Paul had to stay back in Aruba. So we didn't
19 have -- and then by the time they got back, it was back
20 to school, and we didn't have a chance.

21 Q So your oldest daughter was quarantined along
22 with your husband in Aruba, and they came back sometime
23 after you and your younger daughter?

24 A Correct.

25 Q And, with respect to that sort of weekend of

1 January 28th into January 29th, what, if any, plans did
2 you have initially to meet up with your brother-in-law,
3 Johnny, and the defendant?

4 A Johnny had been communicating to Paul they
5 wanted to get us together on the 29th. And I said,
6 there's a big storm coming. I don't think that's going
7 to happen.

8 Q And so you were aware somehow of a big storm
9 coming in on that weekend as far as the 29th was
10 concerned?

11 A Correct.

12 Q And what, if anything, do you recall sort of
13 about what you were aware of as far as that storm, like
14 how severe, what kind of storm?

15 A I don't recall specifics, but I knew that it
16 was a big storm that was coming for Saturday with a lot
17 of snow.

18 Q And so you didn't think that was a good idea
19 to set up a time to meet up with them?

20 A Correct.

21 Q Now, on that date, January 28th, what, if any,
22 conversation did you have with Ms. Read on that day?

23 A She had texted me while I was waiting for the
24 school bus, asking if there was any chance I was out
25 without Paul.

1 Q And was that a typical thing that she would
2 text you as far as the "without Paul" part?

3 A No.

4 Q You indicated that you were waiting for the
5 school bus; is that right?

6 A Correct.

7 Q And at that time in January of 2022, you had
8 two daughters, correct?

9 A Yes. Correct

10 Q And were they sort of on the same school as
11 far as on the same bus?

12 A No, they were not. They were at separate
13 schools.

14 Q Okay. So fair to say one was maybe in
15 elementary and one was in middle school?

16 A Correct.

17 Q So as far as around that time that you
18 received the text, would that have been the younger
19 daughter or the older daughter that you were waiting
20 for the bus?

21 A The younger daughter. It was after 3:00
22 o'clock.

23 Q And who comes home or, at that time, who came
24 home first? The younger daughter or the older
25 daughter?

1 A Our older daughter.

2 Q And, when you received that text from the
3 defendant, how did you respond to that?

4 A I said that I was waiting for the school bus,
5 and we had basketball on Friday nights.

6 Q And the basketball on Friday nights, was that
7 something that was one of your daughters, both?

8 A Both.

9 Q And do you recall -- well, let me ask you
10 this: With regard to your daughter's basketball league
11 at that time, what, if any, sort of relationship did
12 your husband have to those basketball teams?

13 A He was the coach for both of them.

14 Q And was that something that was sort of like a
15 local league; is that correct?

16 A Town league.

17 Q Town league. Did all of you -- and, by "all,"
18 I mean yourself, your husband and the two girls. Did
19 you all go to both games that night?

20 A Correct.

21 Q And do you recall about what time those games
22 were?

23 A Six or seven.

24 Q Now, Ms. Read reached out to you and texted
25 you and then you responded as you've described. What,

1 if any, further conversation did they have with
2 Ms. Read on that day?

3 A I asked her if everything was okay, if
4 something was up. And she responded and said, just
5 another day I didn't talk to an O'Keefe after 2004.

6 Q And how do you respond to that, if you recall?

7 A I said, what happened, what's going on? And
8 they had bickered, I guess, about her taking (c) to
9 Dunkin' Donuts in the morning before school.

10 Q And, just to be clear, when you say "they,"
11 you mean Johnny O'Keefe and Karen Read?

12 A Correct.

13 Q Do you recall sort of how that conversation
14 evolved or what, if anything, else was said during that
15 time?

16 A I just knew that they had gotten into some
17 type -- I don't know if it was an argument or -- there
18 was something. They bickered about her taking them.
19 And he said that she spoiled them.

20 Q Now, as far as your conversation with Ms. Read
21 in regard to the weekend, what, if anything, did the
22 two of you talk about as far as sort of plans for the
23 weekend at that point?

24 A I said I was anticipating a storm. So I was
25 probably going to hang in the neighborhood with

1 everybody.

2 Q Now, as far as later on in that afternoon,
3 what, if any, sort of further communication did you
4 receive from Ms. Read that day?

5 A I think the last text was a picture, something
6 that popped up in her memories of my children and
7 (c) and (c) from the Cape that summer and said,
8 this just popped up in my memories and made me smile.

9 Q Now, did you have occasion to talk with
10 Ms. Read any further on that day, the 28th?

11 A No. That was it.

12 Q And so you went to your kids' basketball
13 games. You came back to your house; is that correct?

14 A Correct.

15 Q And do you recall about what time you went to
16 bed that night?

17 A It was either close to midnight or after
18 because Paul and I were sitting up, watching T.V.

19 Q Do you recall what you were watching on the
20 T.V.?

21 A Yellowstone.

22 Q Is that sort of a binge watch that you were
23 doing?

24 A Yes.

25 Q Now, before you went to bed, did you have

1 occasion to sort of, knowing that the snow was coming,
2 did you have occasion to sort of, look out and make any
3 observations about what the weather was like before you
4 went to bed?

5 A I noted that while we were still up, watching
6 television, that it was snowing already.

7 Q And did you have occasion to see whether or
8 not it was sticking to the pavement or grass or
9 anything like that?

10 A I looked out on the deck, and it was starting
11 to accumulate on the deck, sticking to the deck.

12 Q Do you know about what time that was?

13 A Probably around 10:30 or 11:00.

14 Q And this is at your house in West Bridgewater?

15 A Correct.

16 Q Now, you go to bed and at some point you wake
17 up on the 29th. And, if you recall, what is it that
18 wakes you up the next morning?

19 A I woke up to my husband on the phone with his
20 mother, saying he's going to be okay. He's going to be
21 okay. And they got off the phone, and I said, what
22 happened? What's going on? And he said, they found
23 Johnny in the snow this morning.

24 Q And, after that phone call, what is it that
25 your husband, Paul, did?

1 A He's pacing around, and he goes to the
2 bathroom to brush his teeth because he said that he was
3 going to drive to the hospital.

4 Q And do you know what hospital he was going to
5 drive to?

6 A Good Samaritan.

7 Q And, based on the weather and sort of the road
8 conditions, what, if any, concerns did you have about
9 that plan of your husband's?

10 A I was concerned with him driving because the
11 roads weren't good.

12 Q Now, as far as your in-laws, so your father-
13 in-law is John O'Keefe, Jr.; is that correct?

14 A Senior.

15 Q Senior. And your mother-in-law is Margaret or
16 Peggy O'Keefe; is that correct?

17 A Correct.

18 Q And what, if any, information did you have as
19 far as were they going to the hospital and, if so, how
20 were they going?

21 A They were going to the hospital, and Kerry
22 Roberts was going to pick them up because they didn't
23 have a car that could drive in the snow.

24 Q Now, is Kerry Roberts someone that you knew
25 prior to this day?

1 A Yeah. I knew her from when Johnny moved to
2 Canton.

3 Q And, at some point, do you recall
4 approximately how long was it between the time that the
5 phone call comes in and the time that your husband left
6 your house?

7 A Ten minutes.

8 Q So relatively quick? I'm sorry.

9 A (No verbal response.)

10 Q You just have to --

11 A Yes. I'm sorry.

12 Q No. You're fine. You're fine.

13 So then when your husband is leaving, what if
14 any -- similar to earlier the previous evening, what,
15 if any, observations did you make of sort of the
16 weather and what was going on outside at the time he
17 was leaving?

18 A It was snowing, when he was leaving, heavy.

19 Q Now, at some point, you're at home and your
20 children are at home with you; is that correct?

21 A Correct.

22 Q And, at some point, who, if anyone, do you
23 reach out to to sort of find out what's going on?

24 A When Paul was brushing his teeth, I said to
25 him, where's Karen? Where is she? Is she okay? And I

1 called her, and I could hear the phone pick up. And
2 I -- she didn't say "hello." I just said, Karen, what
3 the hell is going on. And she just yelled back on the
4 phone, John's dead. And Kerry Roberts grabbed the
5 phone from her and said, no, he's not. He's at the
6 hospital. They are working on him. And I didn't know
7 what was going on.

8 Q Was there any further conversation on that
9 initial phone call that you made to Ms. Read?

10 A They were in Kerry's car, waiting for an
11 ambulance to pick up Karen. And then Kerry was going
12 to pick up my in-laws.

13 Q As far as sort of going through that day, what
14 was the next thing you learned as far as your brother-
15 in-law, Johnny, and who did you learn it from?

16 A When I spoke to Kerry in the car, I asked her
17 to take my phone number. I knew she was going to the
18 hospital, and I was nervous that Paul was going to be
19 there by himself. So I asked her to please keep me
20 informed as to what was happening when she got there.

21 Q Without any reference to anything that
22 Ms. Roberts may or may not have said to you, did you
23 receive further updates from Ms. Roberts throughout the
24 course of that morning?

25 A I think I called her every five minutes.

1 Q And, at some point, did you learn what sort of
2 the status was in regards to Johnny?

3 A I think it was -- I don't recall the exact
4 time, but Kerry had texted me or called me to let me
5 know when they were finally called in by the doctors
6 from the emergency room.

7 Q And what, if anything, did you learn once they
8 had been called in by the hospital?

9 MR. JACKSON: Objection.

10 THE COURT: Sustained.

11 BY MR. LALLY:

12 Q At some point later on in that day, did you
13 have further conversation with the defendant, Ms. Read?

14 A I did.

15 Q And do you remember approximately what time
16 that was?

17 A I think it was around one o'clock.

18 Q And, if you recall, was that a situation where
19 you called her or she called you or --

20 A I called her because I didn't know what was
21 going on. And I kept saying to my husband, has anyone
22 checked on Karen? Is Karen okay? So I called her.

23 Q And, when you called her, what, if any,
24 conversation did you have with her at that time?

25 A She answered the phone and said that I was on

1 speaker and she was in the car with her dad and they
2 were driving to Dighton.

3 Q And what, if any, questions did you ask her
4 about what had happened and what, if anything, did she
5 say?

6 A I asked her, I said, what the hell happened
7 last night? And -- because I couldn't understand,
8 first, how they were together, if they had been arguing
9 earlier in the day. And she told me that they were
10 out, that she dropped him at a party afterwards, didn't
11 feel like going, so dropped him and went back to
12 Canton.

13 Q What, if anything, did she says occurred after
14 dropping Johnny off?

15 A She said she went back to Canton and I think
16 woke up around 4:30 and couldn't find him and woke up
17 [REDACTED] to see if [REDACTED] had heard from him at all.

18 Q And what, if anything, did she say happened
19 after that?

20 A She said that she went to go out and look but
21 the roads were bad, so went back and called Kerry and
22 Jen so that they could drive together.

23 Q And by "Kerry," you understood that to mean
24 Kerry Roberts?

25 A Kerry Roberts.

1 Q And, by "Jen," who, if anyone, did you
2 understand that to be?

3 A Jen McCabe.

4 Q Is that someone that you knew or were familiar
5 with at that time?

6 A I had never met Jen.

7 Q And what, if anything, did she say happened
8 after that when she went out with Kerry and Jen?

9 A I don't -- is it possible to refresh my memory
10 on that?

11 Q Without getting into the -- just as far as
12 beyond sort of what happened, what, if anything else,
13 did the defendant say to you as far as --

14 A She told me that she had to remember the bad
15 times, which struck me as an odd comment to say. But I
16 assumed, since she was at the hospital, that maybe she
17 was medicated. But it just struck me as something odd.

18 Q Now, in addition to having to remember the bad
19 times, what, if anything else, did she say to you at
20 that point during that phone call?

21 A She said, I don't think I'm ever going to see
22 you guys again. And I said, of course you will. We're
23 friends.

24 Q Now, following that conversation and that day,
25 did you ever speak with the defendant, Karen Read,

1 again?

2 A No.

3 MR. LALLY: May I have one moment, Your Honor?

4 THE COURT: Yes.

5 BY MR. LALLY:

6 Q Just one last question, ma'am. So in regard
7 to those last two statements that you had testified
8 about, was that all part and parcel of the same
9 conversation when the defendant indicated she was
10 driving back with her father to Dighton?

11 A Correct.

12 Q So there was no further conversation after
13 that conversation shortly after 1:00 p.m.?

14 A No.

15 MR. LALLY: I have nothing further for this
16 witness, Your Honor.

17 THE COURT: All right. Cross-examination?

18 THE JUROR: Thank you, Your Honor. We have no
19 questions.

20 THE COURT: All right, Ms. O'Keefe. You're
21 all set. Thank you.

22 (Whereupon, the witness is excused.)

23 THE COURT: Mr. Lally, your next witness?

24 MR. LALLY: Yes, Your Honor. The Commonwealth
25 would call Officer Steven Saraf to the stand.

1 Whereupon,

2 STEVEN SARAF

3 having been first duly sworn, was examined and
4 testified under oath as follows:

5 THE WITNESS: Okay to sit?

6 THE COURT: You can sit or stand. Whatever
7 you want to do.

8 THE WITNESS: Thank you.

9 THE COURT: I'd ask that you speak into the
10 microphone.

11 Whenever you're ready, Mr. Lally.

12 MR. LALLY: Thank you.

13 DIRECT EXAMINATION

14 BY MR. LALLY:

15 Q Good afternoon, sir.

16 A Good afternoon.

17 Q Could you please state your name and spell
18 your last name for the record?

19 A My name is Officer Saraf, S-A-R-A-F, Canton
20 Police Department.

21 Q And how long have you been a member of the
22 Canton Police Department?

23 A About 27 years.

24 Q Now, were you working with the Canton Police
25 Department on January 28th into January 29th of 2022?

1 A I was.

2 Q And do you recall what shift you were working
3 on that occasion?

4 A I was working the midnight to eight shift.

5 Q And that's midnight to 8:00 a.m.; is that
6 correct?

7 A That is correct.

8 Q And were you dispatched to a call at
9 approximately 6:05 a.m.?

10 A Yes, I was.

11 Q And, if you recall, what was the dispatch in
12 regard to and where specifically were you dispatched
13 to?

14 A It was a call of a person that was unconscious
15 outside of, I believe it was, 34 Fairview Road in
16 Canton.

17 Q Now, that particular area of Canton, are you
18 familiar with that area of Canton?

19 A Yes.

20 Q And, as far as the town of Canton is concerned
21 with respect to the police department, is there sort of
22 different sectors within the town that you would be
23 assigned to patrol?

24 A That's correct.

25 Q And the area of Fairview Road, would that be

1 within your sector that you would typically patrol?

2 A Yes. Yes. The west sector.

3 Q And how many sectors within the town of Canton
4 are there?

5 A Four.

6 Q Now, that particular area of Fairview Road,
7 what type of area is that? Is it residential,
8 commercial or something else?

9 A It's residential.

10 Q And the roadway of Fairview Road, there's
11 houses on that roadway; is that correct?

12 A That's correct.

13 Q Is there any sort of -- it's a paved roadway;
14 is that correct?

15 A It is, yes.

16 Q The lanes, are they divided by any sort of
17 lines in the middle of them?

18 A Yes.

19 Q And who, if anyone, owns or maintains that
20 particular roadway?

21 A The town of Canton does.

22 Q Now, when you received that dispatch, where
23 were you, if you recall, when you received the
24 dispatch?

25 A I was -- there is a church right next to the

1 police station. I was in that parking lot.

2 Q And, with respect to the evening of the 28th,
3 into the morning of the 29th, what, if anything, were
4 you aware of as far as sort of forecast of the weather
5 or anything sort of impending coming your way?

6 A It was snowing pretty good that night. There
7 was a snowstorm that evening.

8 Q Okay. So there was a snowstorm that had been
9 predicted; is that correct?

10 A I believe so, yes.

11 Q And there was a snowstorm actually occurring
12 around that time just after 6:00 a.m.?

13 A That's correct.

14 Q At the time that you're responding a little
15 after 6:00 a.m., was it light out, dark out or
16 something else?

17 A It was dark out.

18 Q And, if you know, how much time elapsed sort
19 of between the time that you received the call and the
20 time that you arrive in that area of Fairview Road?

21 A It's pretty close. A couple of minutes,
22 maybe, because I didn't obviously go as fast as you
23 could go because the roads were pretty snowy.

24 Q During the course of -- you'd been working
25 sort of since midnight, correct?

1 A Correct.

2 Q And, over the course of your work throughout
3 that evening, had you or what, if anything, had you
4 noticed with regard to snow removal as far as town
5 plows or anything like that?

6 A I don't understand. Were they plowing? Is
7 that your question? They were plowing the roads.

8 Q Okay. So there had been some sort of
9 treatment or plowing to the roads prior to your
10 response as far as you know?

11 A Yes. Yes.

12 Q What was sort of the road conditions or the
13 visibility or anything like that if you recall during
14 your response time, if any?

15 A It was snowing pretty well. The roads were
16 definitely slippery. It took me a while to get to the
17 destination.

18 Q And, if you recall, sir, what was sort of the
19 path of travel that you took? You mentioned you were
20 in a church parking lot next to the police station,
21 correct?

22 A That's correct.

23 Q And where is the police station located in
24 Canton?

25 A The police station is on Washington Street.

1 1492 Wash.

2 Q And so what was sort of the path of travel
3 that you took from the church lot next to the police
4 station to Fairview Road?

5 A So I went past the police station onto Chapman
6 Street and then from Chapman Street, I went to Fairview
7 Road.

8 Q And, when you were approaching Fairview Road,
9 are you taking a right or a left or something else?

10 A It's a right.

11 Q And, as you were taking that right onto
12 Fairview, what, if anything, happened with your vehicle
13 as you were taking that turn?

14 A Nothing that I recall.

15 Q And that particular -- coming from the Chapman
16 side of Fairview, Fairview goes from Chapman and then
17 it goes down to sort of, let's say, the bottom of the
18 street? It connects with another street; is that
19 correct?

20 A That's correct.

21 Q And what is the street?

22 A Cedarcrest.

23 Q Cedarcrest. And, if you're coming from the
24 Chapman side down to the Cedarcrest side, what, if
25 anything, is there as far as an elevation? Like is it

1 uphill, downhill or flat?

2 A It's down a hill, a fairly decent size hill.

3 Q Now, as you are driving down Fairview, what,
4 if anything -- you mentioned it was dark outside,
5 correct?

6 A That's correct.

7 Q So what, if anything, beyond sort of the
8 headlights on your cruiser, did you utilize for
9 assistance as you were driving down Fairview?

10 A I had a spotlight on the driver's side, a
11 handheld spotlight, to try to locate the house in
12 question.

13 Q And if I could just ask you a little bit about
14 the type of vehicle that you were driving. So was it
15 -- what kind of police cruiser were you driving that
16 day?

17 A It's an Explorer.

18 Q So an SUV; is that right?

19 A Yes. SUV. Yes.

20 Q And, as far as those -- or the particular
21 cruiser that you were driving on that occasion, what,
22 if anything, is it equipped with as far as cameras or
23 anything like that within the vehicle?

24 A It's equipped with a camera for front and back
25 and rear seat of the cruiser.

1 Q And so as you're driving down Fairview, you
2 read out and start to utilize your spotlight sort of
3 on -- where is that located on the cruiser?

4 A It's on my left-hand side.

5 Q And is that the spotlight that's outside of
6 the cruiser or inside of the cruiser? Where is it
7 located?

8 A It's on the outside of the cruiser, but there
9 is a handle that manipulates it so you can point the
10 spotlight where you want to go.

11 Q Okay. So you have some sort of tool within
12 the cruiser where you can manipulate where it points?

13 A That's correct.

14 Q And, as you're coming down Fairview and
15 utilizing that spotlight, what, if anything, do you
16 observe out in front?

17 A Well, as I got to my destination, I saw three
18 people on the lawn, in the snow, waving at me.

19 Q And, initially, when you see these three
20 people in the snow, do you have any idea sort of who
21 they are or male, female, anything like that?

22 A There were three woman and I later learned
23 there was a male subject on the ground.

24 Q And so when you initially are sort of
25 approaching or getting to the residence, you indicate

1 you see the three women waving at you. Could you see
2 or what, if anything, could you -- could you see the
3 body at that point?

4 A I saw that there was somebody on the ground,
5 yes.

6 Q So you could see the three women and you could
7 see a person on the ground?

8 A That's correct.

9 Q And, at some point subsequent to this, did you
10 learn the identity of the person on the ground?

11 A I did.

12 Q And who did you learn that person to be?

13 A John O'Keefe.

14 Q And, prior to this day, prior to this
15 dispatch, did you know John O'Keefe in any way?

16 A No.

17 Q Now, the three females that you saw sort of
18 around Mr. O'Keefe's body on the ground, at some point
19 later, did you subsequently identify who those three
20 people were?

21 A I did.

22 Q And who did you identify them as?

23 A One was Karen Read. Another one was
24 Ms. McCabe and Ms. Roberts, I believe.

25 THE COURT: Sir, I'm going to ask you to keep

1 your voice up and speak into the microphone.

2 THE WITNESS: I'm sorry.

3 BY MR. LALLY:

4 Q Now, you arrive on scene and I'm assuming you
5 get out of your cruiser; is that correct?

6 A That's correct.

7 Q And what, if anything, did you do from there?

8 A I walked over to the scene. I first asked,
9 you know, is this person a drug user, an issue with
10 drugs? Somebody said, no. He's a Boston police
11 officer. I said, okay. I checked for a pulse. I
12 couldn't find a pulse.

13 Then I went back to my cruiser and tried to
14 find the AED, which is the automated external
15 defibrillator.

16 Q Let me take you back just for a second. So
17 you indicated that you checked for a pulse, correct?

18 A That's correct.

19 Q And where on Mr. O'Keefe did you check for --

20 A On his neck, his carotid.

21 Q Sort of his carotid; is that correct?

22 A That's correct.

23 Q And, when you made contact with sort of the
24 skin area and his carotid area on his neck, what, if
25 anything, did you observe as far as Mr. O'Keefe when

1 you did that?

2 A I couldn't find any pulse or anything like
3 that, and he was cold to the touch.

4 Q Now, when you did this, Mr. O'Keefe, you
5 mentioned, was sort of on the ground, correct?

6 A That's correct.

7 Q And how is he sort of positioned on the
8 ground?

9 A He was laying on his back.

10 Q And, as far as your observations of
11 Mr. O'Keefe during this initial time when you're
12 checking a pulse, what, if anything, did you observe
13 sort of on him or around him or anything like that?

14 A I didn't really --

15 Q Let me ask it a different way.

16 So as far as you mentioned that when you
17 arrived there, it was snowing out, correct?

18 A Correct.

19 Q Okay. And so how much snow was in and around
20 or on top of Mr. O'Keefe when you first observed him?

21 A He was about, I would say, six inches on the
22 ground. There was a light dusting on top of him, I
23 would say.

24 Q And what, if any, any observations did you
25 make of Mr. O'Keefe in sort of how he was dressed at

1 this time initially that you observed?

2 A I don't recall what he was wearing.

3 Q Now, with reference to the residence at 34
4 Fairview Road, if you're standing in front of the house
5 on the street, facing the house, which side of the
6 property was Mr. O'Keefe lying on his back?

7 A As you're facing the house, it's to the -- I'm
8 sorry. Go again? Can you say that again?

9 Q Sure. So if you're standing on the street,
10 facing the house, was Mr. O'Keefe more to the center of
11 the property, to the right of the property or the left
12 of the property?

13 A He was on the left of the property, yes.

14 Q Now, in addition to Mr. O'Keefe, in this sort
15 of area on the left side of the property, what, if any,
16 sort of other landmarks or other things did you observe
17 on that side of the property?

18 A To the left of the property, there was a fire
19 hydrant, a bush and a flagpole, I believe, farther
20 left, like more near the property line, I would say.

21 Q Now, with reference to -- you mentioned that
22 it was snowing out and there was snow on the ground,
23 correct?

24 A That's correct.

25 Q What, if anything else, did you note as far as

1 the weather conditions, as far as wind, temperature or
2 anything like that?

3 A I would say it was near blizzard conditions.
4 It was snowing really, really hard.

5 Q And how cold -- obviously, it's January. It's
6 snowing out. It was cold. But how cold was it, if you
7 know, when you first arrived?

8 A Less than 32 degrees. I don't know exactly.
9 It was cold.

10 Q So you pull up in that area, with three
11 females. Are they to your right or to your left?

12 A I pulled up -- basically, I had my cruiser
13 straight on.

14 Q And so which side of the cruiser were the
15 three females and Mr. O'Keefe when you pull up inside?

16 A It was straight ahead.

17 Q Straight ahead?

18 A Right. A little to the left.

19 Q A little to the left. And what, if any other,
20 vehicles did you observe sort of in the roadway in that
21 area where three females were and Mr. O'Keefe?

22 A There was another vehicle in the roadway on
23 the side of the road. I parked, basically, right
24 behind that.

25 Q And do you recall anything about that vehicle,

1 like what type it was, what color? Anything like that?

2 A I don't. I don't recall.

3 Q Now, with regard to the three females you
4 identified as Ms. Read, Ms. McCabe and Ms. Roberts, do
5 you recall where they were in relation to Mr. O'Keefe,
6 each of them, when you first sort of pull up and get
7 out of your cruiser?

8 A So when I arrived, I saw Ms. Read. It looked
9 like she was giving CPR to him, and she had blood on
10 her face.

11 Q Now, in addition to yourself, there are other
12 sort of first responders that are dispatched to the
13 scene, as well; is that correct?

14 A That is correct.

15 Q Okay. And, of them, who, if anyone else, was
16 on scene at the time that you arrived?

17 A When I arrived? I was the first to arrive.
18 Then there was Officer Mullaney that came a few minutes
19 later. Then the fire department came after him. And I
20 believe Sergeant Goode came like within that time. I
21 don't know how many minutes that was but pretty close.

22 Q So you first arrive on scene and then Mullaney
23 comes a couple of minutes later?

24 A Yes.

25 Q Okay. About how long was it between when

1 Officer Mullaney arrives and when the fire department
2 arrives?

3 A A couple minutes.

4 Q And, at some point after that, Sergeant Goode
5 comes; is that correct?

6 A That's correct.

7 Q And Sergeant Goode is a sergeant with your
8 department?

9 A That is correct.

10 Q Now, the fire department, when they arrived,
11 do you recall what type of apparatus they had that
12 arrived on scene?

13 A I believe it was an engine. They usually come
14 with an engine and an ambulance.

15 Q So to your recollection, it was at least an
16 ambulance and an engine?

17 A Yes.

18 Q When you were in transit, sort of coming from
19 the church parking lot next to the station to 34
20 Fairview, what, if anything, did you have activated on
21 your cruiser as far as lights or sirens or anything
22 like that?

23 A I believe I had my -- I might have had my blue
24 lights on. I'm not sure.

25 Q As far as the time that you're coming, shortly

1 after 6:00 a.m. in a blizzard, what, if any, sort of
2 other vehicular traffic did you observe en route from
3 the church parking lot to 34 Fairview?

4 A There wasn't any that I can recall.

5 Q So you go to get your AED device from your
6 cruiser; is that correct?

7 A That's correct.

8 Q And around that time that you're retrieving
9 that, what happens then?

10 A The fire department came on scene and they
11 took over care of Mr. O'Keefe.

12 Q Now, beyond sort of just checking pulse as far
13 as -- around that time when you were checking the pulse
14 in the carotid area for Mr. O'Keefe, what, if any,
15 other observations did you make with regard to any
16 injuries or anything else on Mr. O'Keefe?

17 A Well, when I first got there, you know, he had
18 blood on his face and then it was just wiped away.
19 That's the only...

20 Q So there was blood on his face that was wiped
21 away?

22 A That's correct.

23 Q Now, when the fire department arrived on
24 scene, they sort of take over resuscitative efforts
25 with regard to Mr. O'Keefe; is that correct?

1 A That is correct.

2 Q And the person you identified as Ms. Read,
3 firstly, do you see that person in the courtroom today?

4 A I do.

5 Q Could you just identify as to where she is
6 seated or an article of clothing?

7 A She is seated at the table right there in
8 black.

9 Q Thank you.

10 MR. LALLY: Your Honor, I'd just ask the
11 record reflect identification of the defendant by
12 the witness?

13 THE COURT: Yes.

14 BY MR. LALLY:

15 Q Now, after the fire department arrives and
16 they sort of take over resuscitative efforts with
17 regard to Mr. O'Keefe, what, if any, observations did
18 you make of Ms. Read and what she was doing or saying
19 at that time?

20 A Ms. Read was visible upset. She kept saying,
21 this is all my fault. This is my fault. I did this.
22 And she was very hysterical. She kept asking -- he's
23 dead. Is he dead? Is he dead?

24 Q And, with that specific phraseology, that's
25 something that she kept saying?

1 A Yes.

2 Q And, by your repetitive nature, I'm assuming
3 it was something that she said more than once, correct?

4 A Several times. Correct.

5 Q And, when she is saying this, can you describe
6 sort of how she is saying this? I mean, is it a
7 whisper? Is it a scream, or is it something in
8 between?

9 A She was yelling pretty good.

10 Q And, with regard to her repetitive question as
11 far as "is he dead," what, if any, response did you
12 provide to her in regard to that?

13 A I just said, they're doing the best that they
14 can.

15 Q Now, at some point, did you direct Ms. Read,
16 the defendant, to somewhere else away from Mr. O'Keefe?

17 A Yeah. I tried to get her out of the elements.
18 I put her in a car. I don't know if it was my cruiser
19 or another cruiser there. But I had her sit in the
20 back seat just to get out of the snow.

21 Q And did she stay in that cruiser for any
22 discernible amount of time?

23 A She stayed in for a few minutes, and then she
24 was like up and down, up and down.

25 Q So sort of in and out of whatever car you put

1 her into?

2 A That's correct.

3 Q And, when she would come out of the car, where
4 would she go?

5 A She was just walking around, from what I
6 remember.

7 Q Now, with reference to Mr. O'Keefe, he's
8 laying on this back on the ground. That location,
9 where was that in relation to the roadway of Fairview
10 Road?

11 A I would say about 20 feet off the road.

12 Q So if it's 20 feet off the road, is it fair to
13 say that was on sort of the front lawn of 34 Fairview?

14 A Yes. That's correct.

15 Q And, at some point, the fire department takes
16 Mr. O'Keefe's body off of the lawn; is that correct?

17 A That is correct.

18 Q And where are you in relation to Mr. O'Keefe
19 when that --

20 A I don't remember.

21 Q And, from -- if you don't remember, do you
22 recall anything about sort of what the ground looked
23 like when Mr. O'Keefe was lifted up?

24 A I don't recall.

25 Q Now, that area around where Mr. O'Keefe was

1 when you initially come up, you see him on the ground
2 and you check for a pulse. What, if anything, did you
3 note around Mr. O'Keefe's body as far as the condition
4 of or disturbance of the snow around him?

5 A I noticed that there were just footprints and
6 track marks around the body, itself. There was none
7 coming from the residence or the area. It was just
8 right around the body, itself.

9 Q And so the position of Mr. O'Keefe, he's lying
10 on his back on the wall, correct?

11 A Correct.

12 Q Is his head closer to the house or the street
13 or something else?

14 A I believe his head was closest to the house.

15 Q And the footprints that you're talking about,
16 was that between sort of his feet and the street or
17 above his head or where was it in relation to his body?

18 A Basically, all around him because people were
19 walking about him.

20 Q And, as far as beyond sort of the immediate
21 area above his head between his head and the house,
22 what, if any, footprints or what, if any, disturbance
23 in the snow did you observe of that?

24 A I didn't see any.

25 Q Now, Officer Saraf, about how long was it that

1 you were on scene?

2 A I'm going to say about an hour, hour and a
3 half.

4 Q And, at some point, the fire department
5 transports Mr. O'Keefe from the scene; is that correct?

6 A That is correct.

7 Q And do you know to what facility he was
8 transported to?

9 A I don't recall where they went.

10 Q And, after Mr. O'Keefe was taken away by the
11 fire department, as far as the three females, Ms. Read,
12 Ms. McCabe and Ms. Roberts, do you know where they went
13 or what they did following that?

14 A After talking to Sergeant Goode, they left in
15 their car. I don't know where they went. The car that
16 was there, they left.

17 Q Now, at any point in time that you were on
18 scene before they left, did you have any conversation
19 with any of the three of them?

20 A I asked them, you know, what happened and what
21 were they doing.

22 Q And who specifically did you talk to, if you
23 recall?

24 A Well, I asked Ms. Read, and she couldn't
25 really tell me too much about what happened.

1 Ms. McCabe said that they were drinking in a couple of
2 bars downtown.

3 Q Let me just stop you. So just sticking with
4 Ms. Read, you asked her what happened. And you
5 indicated she didn't really tell you much?

6 A No.

7 Q Why not? What was her condition like at that
8 point?

9 A She was very upset.

10 Q So the same upset that you were describing
11 earlier, did that sort of continue throughout the time
12 that she was on scene while you were there?

13 A I would say yes.

14 Q And, at some point, did you speak to
15 Ms. McCabe without reference to what she told you?

16 A I'm sorry?

17 Q At some point while you're on scene, did you
18 speak to either Ms. McCabe or Ms. Roberts without
19 reference to what they told you?

20 A No. I mean --

21 Q Let me rephrase it.

22 A Can you rephrase? Yes.

23 Q At some point when you were on scene, did you
24 have occasion to have a conversation with Ms. McCabe?

25 A Yes.

1 Q And, at some point when you were on scene,
2 did you have occasion to have a conversation with
3 Ms. Roberts?

4 A I didn't speak with Ms. Roberts, I don't
5 believe.

6 Q Was there someone else from your department
7 that was speaking with Ms. Roberts on scene if you
8 know?

9 A I believe Sergeant Goode or Officer Mullaney
10 was.

11 Q So one of the other two officers that were
12 there?

13 A Correct.

14 Q Now, following Sergeant Goode's arrival, who,
15 if anyone else, from your department arrived on scene
16 at some point?

17 A Detective Lank. Detective Sergeant Lank and
18 Lieutenant Gallagher.

19 Q And, if you know, when was their arrival in
20 relation to sort of when you arrived?

21 A It was light out. So I would say maybe 7:00
22 o'clock-ish.

23 Q And so for the period that you were on scene,
24 you said it was about an hour, hour and a half; is that
25 correct?

1 A That's about right.

2 Q The weather conditions that you described sort
3 of when you first arrived, what, if any, change
4 occurred in the weather conditions from the time that
5 you arrived to the time that you left the scene?

6 A The conditions lightened up a little bit. I
7 mean, it was still snowing.

8 Q Still snowing, still cold, correct?

9 A Yes.

10 Q And the wind, was that still persistent, as
11 well?

12 A I would say yes.

13 Q Now, at some point after Ms. Read, the
14 defendant, left the scene, did she come back?

15 A She did.

16 Q And do you know how long a period it was that
17 she was gone between when she left and when she came
18 back?

19 A Just a few minutes.

20 Q And do you know why she came back?

21 A I don't know.

22 Q And, when she returned to the scene, who, if
23 anyone -- did you speak with her further at that point?

24 A No.

25 Q Who, if anyone, did you observe her to be

1 speaking with?

2 A I don't know.

3 Q Now, the initial ambulance that showed up took
4 and transported Mr. O'Keefe; is that correct?

5 A That is correct.

6 Q Now, after that ambulance left and Ms. Read
7 came back to the scene, what, if any, other apparatus
8 when the fire department arrived on scene at that
9 point?

10 A Another ambulance came.

11 Q And who, if anyone, went in that ambulance for
12 transport?

13 A They took Ms. Read to the hospital.

14 Q And do you know what hospital that she went
15 to?

16 A I don't recall.

17 MR. LALLY: May I have one moment, Your Honor?

18 THE COURT: Yes.

19 (Whereupon, there was a brief pause.)

20 MR. LALLY: Your Honor, if I may request the
21 lights again?

22 THE COURT: Yes.

23 MR. LALLY: Ms. Gilman, if I could have
24 Exhibit No. 8 up on the screen?

25 BY MR. LALLY:

1 Q Now, Officer Saraf, do you recognize what is
2 depicted up on the screen as Exhibit No. 8?

3 A Yes.

4 Q And what do you recognize that to be?

5 A It's the house. 34 Fairview.

6 Q And that's the house that you responded to on
7 that date; is that correct?

8 A That is correct. Yes.

9 Q And what's contained in that photograph, is
10 that a fair and accurate portrayal of what you observed
11 roughly when you arrived on that day?

12 A Yes.

13 MR. LALLY: May I approach the witness, Your
14 Honor?

15 THE COURT: Yes.

16 BY MR. LALLY:

17 Q Sir, I'm going to direct your attention to
18 this. This is just a laser pointer here. Try not to
19 point it in anybody's eyes. But, basically, this
20 button here, you just click on that. That will shine
21 wherever you want it to. Okay?

22 This photograph in Exhibit No. 8, sir, where
23 Mr. O'Keefe's body was when you first arrived, is that
24 visible in this photograph or no?

25 A I would say it would be over more to the left.

1 Q Okay. So further off to the left; is that
2 correct?

3 A That's correct.

4 MR. LALLY: Before we get to that, just
5 briefly, Ms. Gilman, if I could have Exhibit No.
6 13? If you could please enlarge. Thank you.

7 BY MR. LALLY:

8 Q Now, Officer Saraf, do you recognize what's
9 contained in this Exhibit No. 13?

10 A It's a street.

11 Q Is that -- fair enough.

12 MR. LALLY: May I approach the witness, Your
13 Honor?

14 THE COURT: Yes.

15 BY MR. LALLY:

16 Q So what I've placed before you as Exhibit 13,
17 is that the same as what's up on the screen?

18 A Yes.

19 Q Okay. And is that a fair and accurate
20 portrayal of what Fairview Road looked like around the
21 time that you were dispatched and arrived on scene?

22 A Yes.

23 Q Absent the lighting condition, you mentioned
24 it was dark when you arrived, correct?

25 A That is correct.

1 Q Okay. So this is sometime after when the sun
2 has come up?

3 A Correct.

4 MR. LALLY: If I could ask you to flip to the
5 next, Exhibit No. 14. If I could have that one,
6 Ms. Gilman?

7 BY MR. LALLY:

8 Q And, again, Officer, what's up on the screen,
9 is that what you have before you as Exhibit 14?

10 A Yes.

11 Q And you were testifying earlier to sort of
12 footprints in and around where Mr. O'Keefe was; is that
13 correct?

14 A That is correct.

15 Q And what's depicted on the screen in Exhibit
16 No. 14, is that a fair and accurate portrayal of the
17 footprints that you were talking about?

18 A Yes.

19 MR. LALLY: May I approach the witness, Your
20 Honor?

21 THE COURT: Yes.

22 BY MR. LALLY:

23 Q Sir, now I'm showing you what's been marked as
24 Exhibit 18.

25 Thank you, Ms. Gilman. If you could enlarge

1 that just a little bit more? Thank you so much.

2 Now, from this photograph, first and foremost,
3 do you recognize what is depicted up in Exhibit 18 on
4 the screen here?

5 A Yes.

6 Q Okay. And this is 34 Fairview Road, correct?

7 A That is correct.

8 Q And, in regard to -- you had mentioned sort of
9 landmarks off to the left side of the property if
10 you're facing the property from the street, correct?

11 A Yes.

12 Q And, if you could, using that laser pointer
13 that I've placed up there before you, if you could
14 direct the jury's attention to first those landmarks
15 that you observed?

16 I'm sorry, Officer. If you could -- if you
17 could just describe what you're doing?

18 A That's the flagpole right there. There is a
19 bush there and that I believe is the fire hydrant.

20 Q And so where in relation so this photograph,
21 if you can see it here, was Mr. O'Keefe's body when you
22 first arrived?

23 A It was right in this area right here.

24 Q Now, if I could turn back just a moment. When
25 you indicated that you were coming up to the scene and

1 you could see the three females sort of waving at
2 Mr. O'Keefe on the ground, correct?

3 A That is correct.

4 Q About how far away were you from them when you
5 first observed them or first saw them?

6 A About 20 feet or so.

7 Q And, when you are driving down Fairview, if
8 you could, describe to the jury where is your direction
9 -- sort of where are you directed as far as you're
10 driving a vehicle or you're looking straight in front
11 of you or you're looking out the window, a combination
12 of both or --

13 A I was looking for the house, the house
14 numbers, trying to find the house where it was. And I
15 saw the motor vehicle parked on the side of the road.

16 Q And that sort of leads to my next question,
17 sir. So what did you see first? Did you see the
18 vehicle parked in front of you or did you see the
19 people off to the side of the road?

20 A I saw the vehicle.

21 MR. LALLY: May I approach just to retrieve,
22 Your Honor?

23 THE COURT: Yes.

24 BY MR. LALLY:

25 Q So, Officer Saraf, you had testified earlier

1 in regard to a camera within your cruiser, correct?

2 A That's correct.

3 Q And, subsequent to that day, have you seen
4 the video of your arrival to the scene from the cruiser
5 camera's perspective?

6 A I saw it once.

7 MR. LALLY: Your Honor, I would seek to
8 introduce and admit as the next exhibit the cruiser
9 camera Stream 1 from Cruiser 683.

10 THE COURT: Is there an objection?

11 MR. JACKSON: No, Your Honor.

12 (Whereupon, CD from Canton Police Department as
13 they go to the scene was entered and marked Exhibit
14 No. 25 in Evidence.)

15 THE COURT REPORTER: Exhibit No. 25.

16 MR. LALLY: I'm sorry for the back and forth,
17 Mr. Officer, but if I could ask for the lights just
18 again?

19 Ms. Gilman, if you could play what's now been
20 marked as Exhibit 25.

21 MR. LALLY: And if you could just pauses it
22 right there, Ms. Gilman.

23 BY MR. LALLY:

24 Q Officer Saraf, what's up on the screen, is
25 that what you recall as far as the sort of visibility

1 and the roadway conditions when you first left the
2 church parking lot?

3 A Yes.

4 Q And this is you sort of leaving from the
5 church parking lot as you're going to 34 Fairview,
6 correct?

7 A Yes.

8 Q Now, there are a number of different sort of
9 things up on this screen. There is an indication as
10 far as the speed that the vehicle is going at, correct?

11 A Yes.

12 Q And where is that located, if you could, with
13 the laser pointer there?

14 A (Indicating.)

15 Q Now, along sort of the bottom of that
16 particular video, there is an indication as far as
17 "mike," "brakes," "lights," "siren"; correct?

18 A Correct.

19 Q If those are activated, is there any sort of
20 change in sort of the depiction there? Does it change
21 sort of color or anything like that that you're aware
22 of?

23 A I don't know.

24 Q And the "683" on the bottom right corner, is
25 that the cruiser that you were in that day?

1 A Yes. That's correct.

2 Q Now, as far as sort of the top middle of this
3 video, there is the date and the time; is that correct?

4 A That's correct.

5 Q And, as far as you're aware, that date and
6 time that's up there, that's accurate to when this
7 occurred, correct?

8 A Yes.

9 Q Okay. So we are sort of looking in real time,
10 correct?

11 A Correct.

12 MR. LALLY: So, Ms. Gilman, if you could just
13 let it run from this point.

14 (Whereupon, the video was played.)

15 MR. LALLY: And, Ms. Gilman, I'm sorry. If
16 you could stop it just briefly?

17 BY MR. LALLY:

18 Q So, Officer Saraf, this road you are
19 traversing at this point, this is Washington Street; is
20 that correct?

21 A That is correct.

22 Q And, at some point, you're going to then
23 travel through and then take a right onto Fairview; is
24 that correct?

25 A Correct.

1 Q Okay. If you could, just for the jury's sake,
2 as you approach Fairview and as you're taking that
3 right turn, just direct their attention to the fact
4 that that's when you're turning onto Fairview?

5 A Sure.

6 Q Thank you.

7 MR. LALLY: Ms. Gilman, you can go ahead and
8 continue.

9 (Whereupon, the video is being played.)

10 THE WITNESS: So this right here is Chapman
11 Street.

12 MR. LALLY: Thank you, sir.

13 THE WITNESS: This right here is Fairview.

14 MR. LALLY: Thank you, sir.

15 Ms. Gilman, if you could just pause it there
16 for one second.

17 (Whereupon, the video is paused.)

18 BY MR. LALLY:

19 Q So, Officer, similar as to the turn onto
20 Fairview, at some point did you observe the point at
21 which you believe you sort of illuminated your
22 spotlight on the side of the cruiser? If you could
23 just speak up and draw the jury's attention to that, as
24 well?

25 MR. LALLY: Ms. Gilman, if you could continue,

1 please.

2 (Whereupon the video was played.)

3 THE WITNESS: Right about now, I believe I put
4 the spotlight on.

5 MR. LALLY: Thank you, sir.

6 I'm sorry, Ms. Gilman. If you could just sort
7 of run it from this point to about the four-minute
8 mark or so. And then I would ask you to pause it
9 (Whereupon the video was played.)

10 MR. LALLY: If you could pause it right there?
11 Thank you.

12 (Whereupon, the video was paused.)

13 BY MR. LALLY:

14 Q Now, Officer Saraf, you were testifying
15 earlier as far as the vehicle in front of you that you
16 observed first and then sort of the parties off to your
17 left as far as the three females waving and Mr. O'Keefe
18 on the ground, correct?

19 A That is correct.

20 Q And, if you could, just using that laser
21 pointer, direct the jury's attention to, number one,
22 where the vehicle is that you observed in front of you
23 and then, number two, where you observed the three
24 females and Mr. O'Keefe on the ground?

25 A So here is the vehicle right there, and the

1 females are right there (indicating).

2 Q Thank you, sir.

3 MR. LALLY: Now, Ms. Gilman, if you wouldn't
4 mind just running this straight through until about
5 seven and a half minutes or so.

6 (Whereupon, the video is played and ended.)

7 MR. LALLY: Just one moment, Your Honor?

8 THE COURT: Sure.

9 MR. LALLY: I'm sorry. Mr. Officer, you can
10 turn the lights back on.

11 I have no further questions of this witness,
12 Your Honor.

13 THE COURT: Will there be cross-examination,
14 because this would be a good time to stop.

15 MR. JACKSON: There will be a cross-
16 examination.

17 THE COURT: So, jurors, we are going to stop
18 for the day. I have to caution you those same
19 three cautions. Please do not discuss this case
20 with anyone. Don't do any independent research or
21 investigation into this case. If you happen to
22 see, hear or read anything about this case, please
23 disregard it and let us know.

24 And, just to remind you, tomorrow will be a
25 half day. We will go from 9:00 o'clock until 1:00

1 o'clock with a mid-morning break.

2 So thank you very much. We will see you
3 tomorrow.

4 (Whereupon, the jury is escorted from the courtroom
5 and excused for the evening.)

6 THE COURT: Could I see counsel at sidebar for
7 a moment?

8 (Whereupon, there was a sidebar conference as
9 follows:)

10 THE COURT: So do you expect Detective Lank
11 tomorrow? I'm sorry. Do you expect Detective Lank
12 tomorrow?

13 MR. LALLY: No.

14 THE COURT: Okay, because whenever he
15 testifies, I'd like a voir dire on the issue of the
16 prior allegations.

17 MR. LALLY: Sure.

18 THE COURT: So just give us enough of a head's
19 up.

20 MR. LALLY: I would say Friday, at the
21 earliest.

22 THE COURT: Okay. Who do you have tomorrow,
23 just because it helps me prepare.

24 MR. LALLY: Sure. So tomorrow I think we will
25 just continue with Officer Saraf. Then we have

1 Officer Mullaney. And then essentially it's going
2 to be a number of firefighters.

3 THE COURT: Okay.

4 MR. LALLY: So we're going to have Timothy
5 Nuttall, Anthony Flematti, Matthew Kelly, Francis
6 Walsh, Katie McLaughlin, probably -- depending on
7 how far we get with all of that, I'm not sure how
8 much cross there is for those people, but I think
9 it would be Gregory Woodbury, then Daniel Whitley.
10 And I'm not saying we'll get into all of these
11 tomorrow, but these are -- basically, I'm going
12 through the paramedics that dealt with Mr. O'Keefe
13 and then I'm going through the paramedics that
14 dealt with Ms. Read.

15 THE COURT: Okay.

16 MR. LALLY: Mr. Whitley and Mr. Becker would
17 be the last two there.

18 THE COURT: All right. Anything regarding any
19 of that testimony that you expect limiting
20 instructions on or any evidentiary issues that we
21 need to be concerned with?

22 MR. YANNETTI: I don't think so, Judge.

23 MR. LALLY: I think even exhibit-wise, for the
24 most part, it would just be run reports and a lot
25 of the same photographs as far as where the body

1 was when they arrived there and that kind of thing.

2 THE COURT: All right. So anything that needs
3 to be premarked will be marked tomorrow morning.

4 MR. LALLY: That's fantastic.

5 MR. YANNETTI: 9:00 o'clock tomorrow and we
6 will be here at 8:30?

7 THE COURT: We will start at 9:00 and be here
8 at 8:30 if you want anything marked.

9 MR. YANNETTI: Of course.

10 THE COURT: We need one person from each side.

11 MR. YANNETTI: Of course. I appreciate it.

12 THE COURT: All right.

13 MR. YANNETTI: Thank you, Your Honor.

14 MR. LALLY: Thank you, Your Honor.

15 (Whereupon, the Court adjourned.)
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C E R T I F I C A T E

I, Paula M. Mills, retired certified court reporter, do hereby certify that the foregoing pages, page 7-3 to 7-221, is a true and accurate transcription of the voice recording in the aforementioned matter to the best of my skill and ability.

This, the 7th day of February, 2025.

\s\Paula M. Mills

Paula M. Mills

Retired Certified Court Reporter
and Court Transcriptionist